

NYPL RESEARCH LIBRARIES



3 3433 08190074 2



THE COLLECTION OF  
**Theodoros Bailey Myers**  
PRESENTED BY  
HIS WIDOW  
**Catalina Julianna Mason Myers**  
HIS DAUGHTER  
**Cassie Mason Myers Julian-James**  
HIS DAUGHTER-IN-LAW  
**Edmonia Taylor Phelps Mason**  
TO THE  
**New York Public Library**  
ASTOR, LENOX AND TILDEN FOUNDATIONS  
IN MEMORY OF  
**Theodoros Bailey Myers**  
AND HIS SON  
**Theodoros Bailey Myers Mason**  
LIEUTENANT-COMMANDER  
UNITED STATES NAVY  
1899

Jay  
7-IAW









4566

Copy for

AW

Jan



Digitized by the Internet Archive  
in 2008 with funding from  
Microsoft Corporation







*Engraved by J. B. Forrest. From a Bust by Verrocchio.*

*John Jay* —

*Printed by J. B. Forrest.*



THE  
L I F E  
OF  
J O H N J A Y :

WITH  
SELECTIONS FROM HIS CORRESPONDENCE  
AND  
MISCELLANEOUS PAPERS.

---

BY HIS SON,  
W I L L I A M J A Y.

---

IN TWO VOLUMES.

VOL. I.

---

NEW-YORK :

PRINTED AND PUBLISHED BY J. & J. HARPER,

NO. 82 CLIFF-STREET.

---

1833.

[Entered, according to Act of Congress, in the year 1833, by *William Jay*,  
in the Office of the Clerk of the Southern District of New-York.]



28512

## P R E F A C E.

---

THE generation by whom the independence of these United States was established and secured, is rapidly passing away; and before long, we shall seek in vain for a patriot of the Revolution to receive our homage, or to answer our inquiries respecting the important events in which he participated.

It would be doing injustice to the American people to suppose, that they do not take an interest in knowing the characters and actions of those to whom they are indebted for the liberty and prosperity they enjoy. The lives and writings of several of these distinguished men have already been published, and it is to be wished that more may follow.

In the ensuing pages, an attempt is made to delineate the character of one, who was not the least among those who devoted themselves to the service of their country, and acquired a title to its gratitude.

The relationship of the author to the person he describes may have influenced his *opinions*, but he has stated *facts* truly, and from them the reader will form his own conclusions.

The biography of public men cannot be well understood without a knowledge of the public affairs in which they were concerned; and hence it has sometimes been found necessary to encroach on the province of history. This, however, has been done no further than the subject required; and pains have been taken, by means of anecdotes and private letters, to introduce the reader to a familiar acquaintance with Mr. Jay, throughout the whole course of his political career. The information thus afforded will, it is hoped, compensate for the interruptions of the narrative which it necessarily occasions.

Many of the papers and letters appended to the Life are important, and all, it is believed, will be found interesting, as throwing light either upon individual character, or upon the circumstances of the times to which they relate.

*Bedford, April, 1833.*

## CONTENTS OF VOL. I.

---

### CHAPTER I.

Ancestors of John Jay—His Birth and Education—College Anecdotes p. 1

### CHAPTER II.

1764-76.

Mr. Jay studies Law with Benjamin Kissam—Admitted to the Bar—Commences Practice with Robert R. Livingston—His Marriage—Member of New-York Committee of Correspondence—Committee propose a General Congress—He is elected a Delegate to Congress—Writes Address to People of Great Britain—Elected to New-York Provincial Congress—Appointed Delegate to the second General Congress—Member of New-York Committees of Observation and Association—Writes Address to People of Canada—Supports a second Petition to the King—Writes Address to People of Ireland—Appointed Colonel in New-York Militia—Anecdote of first Communication to Congress of the Intentions of the French Court—Is elected a Member of New-York Convention—Recalled from Congress to assist in the Convention—Power and Proceedings of Committee for detecting Conspiracies—Writes Address from Convention to the People of New-York—Secret Correspondence with Mr. Deane 16

### CHAPTER III.

1777-9.

Mr. Jay reports Draught of a Constitution for the State—Constitution adopted—He is appointed Chief Justice, and Member of the Council of Safety—Writes Letter to People of Tryon County—His Correspondence with General Schuyler—Extracts from his first Charge to Grand Jury—Consultation with General Washington about Invasion of Canada—Extracts from private Correspondence—Is appointed Delegate to Congress—Chosen President of Congress—Resigns Office of Chief Justice—At

request of Congress, writes Letter to the States on the Public Finances  
—His Conduct relative to Vermont—Appointed Minister Plenipotentiary  
to Spain - - - - - 68

#### CHAPTER IV.

Extracts from Mr. Jay's History of his Spanish Mission - - - 95

#### CHAPTER V.

1779-81.

Mr. Jay sails for France in an American Frigate—Shipwreck of the Frigate  
—She reaches Martinico—Mr. Jay re-embarks in a French Frigate—  
Lands at Cadiz—Proceeds to Madrid—Embarrassed by Bills drawn on  
him by Congress—Negotiates with Spanish Government—His Opinion  
of New-York Confiscation Act—Correspondence with Mr. Deane—In-  
structed to surrender the Navigation of the Mississippi—Appointed Com-  
missioner to negotiate Peace—Disapproves of the Instructions accom-  
panying his Commission—History of those Instructions—Duplicity of  
Spanish Court—Bills on Mr. Jay protested—He goes to Paris—His In-  
dignation at the Conduct of Mr. Deane - - - - - 101

#### CHAPTER VI.

1782-4.

The French Court endeavours to prepare Congress for the Abandonment of  
their Claims—Mr. Jay arrives in Paris—The Spanish Ambassador wishes  
to negotiate with him—The Claims of Spain countenanced by France—  
Mr. Jay refuses to treat with Count Aranda without first seeing his  
Powers—Anecdotes of Count Aranda—Mr. Oswald, the British Commis-  
sioner, arrives—Mr. Jay refuses to treat with him till American Inde-  
pendence is acknowledged—Drafts a new Commission for Mr. Oswald  
—French Intrigues to defeat the Claims of the United States—Mr. Jay  
sends a secret Agent to the British Ministry—Independence acknowledged  
—Mr. Jay drafts Preliminary Articles—Extracts from his Diary—Mr.  
Adams arrives—Dr. Franklin's Conduct and Views explained—Anecdotes  
of French Intrigue—Extracts from Mr. Jay's Correspondence—Signs  
Treaty of Peace—Visits England—Returns to France—Embarks for  
America - - - - - 133

#### CHAPTER VII.

1784-8.

Mr. Jay lands in New-York—Presented with the Freedom of the City—  
Appointed Delegate to Congress—Accepts the Office of Secretary for

Foreign Affairs—Notice of the first Voyage made by an American Vessel to China—He declines being a Candidate for Governor—Spanish Negotiation resumed in New-York—He proposes to Congress a Naval Establishment—His Controversy with Littlepage—Elected President of Manumission Society—His Sentiments and Conduct respecting Slavery—Difficulties attending the Spanish Negotiation—Mr. Jay's Report on the Infractions of the Treaty of Peace—His Sentiments on the Insufficiency of the Confederation—Letters on the Subject—Attends General Convention of the Episcopal Church—Measures leading to the Formation of the present Federal Government—Mr. Jay engages in writing the Federalist—Wounded in endeavouring to suppress a Mob—Writes an Address in behalf of the new Constitution—Elected to the New-York Convention—Proceedings of the Convention - - - - - 183

## CHAPTER VIII.

1789-94.

Federal Government organized—Mr. Jay appointed Chief Justice—Officiates as Secretary of State—His Charge to the Grand Jury—Attentions to him on his Circuit—Elected Governor—Votes burnt by Canvassers, who declare Mr. Clinton to be Governor—Public Excitement—Honours paid Mr. Jay by the People—Proceedings of the Legislature—Opinion on the Suability of States—Proclamation of Neutrality—Arrival and Conduct of Genet—Causes of Complaint against British Government—Mr. Jay appointed Envoy to Great Britain—Embarks for England—Origin, Character, and Objects of the Democratic Societies - - - - - 271

## CHAPTER IX.

1794-5.

Negotiation of British Treaty—Extracts from Mr. Jay's Correspondence 322

## CHAPTER X.

1795-6.

Mr. Jay elected Governor in his Absence—Arrives in New-York—Resigns Office of Chief Justice—Opposition to the British Treaty—Proceedings in the House of Representatives—Comparison between the British Treaty and others subsequently formed - - - - - 355

## CHAPTER XI.

1795-1801.

Administration of Governor Jay—His Proclamation for a general Thanksgiving—His Conduct in appointing to Office, and in pardoning Criminals—

Recommendation relative to the Observance of the Sabbath—Re-elected Governor—Convenes the Legislature in the Prospect of a War with France—Law passed for the gradual Abolition of Slavery—The Governor declines the Office of Chief Justice of the United States—Resists the Encroachments of the Council of Appointment—Removes from Albany—Presented with the Freedom of the City - - - - 385

## CHAPTER XII.

1801–29.

Mr. Jay retires to Bedford—His Occupations and domestic Habits—Letter to Trinity Church—His Opinion of the War of 1812—Elected President of the American Bible Society—His Correspondence with the Corporation of New-York—His Illness and Death—Character - - - 428

## APPENDIX.

No. I.—Address to the People of Great Britain - - - 465

II.—Circular Letter from Congress to their Constituents - 476

III.—Barbé de Marbois to Count de Vergennes - - - 490

IV.—Addresses to the American Bible Society - - - 495



THE  
LIFE OF JOHN JAY.

---

CHAPTER I.

Ancestors of John Jay—His Birth and Education—College Anecdotes.

JOHN JAY, the subject of the following Memoir, left behind him an unfinished history of his ancestors, written in the latter part of his life. This narrative was evidently intended only for the information and instruction of his children, and contains much that would not be generally interesting. A few extracts, however, from this paper, while they serve as an introduction to an account of the writer himself, will assist in illustrating his character.

“ You have often expressed a wish that I would reduce to writing what information I have respecting our ancestors. I was pleased to find that you desired it; and have often regretted that a succession of affairs, more immediately important, constrained me from time to time to postpone it. My life has been so much a life of business, that idle time has not been among my burdens. In this place of peace and retirement, which a kind Providence has provided for me in my declining years, I for the first time enjoy the sweets of rest and tranquillity. Leisure hours begin to increase, and I purpose to employ some of them in giving you the information you request.

“When and where we were born, and who were our progenitors, are questions to which certain philosophers ascribe too little importance. It becomes us to be mindful that the great Creator has been pleased to make men social beings ; that he established between them various relations, and among others, those which arise from consanguinity ; and that to all these relations he has attached particular and corresponding duties. These relations and duties promote the happiness of individuals and families ; they pervade and harmonize society, and are subservient both to public and personal welfare.

“How fleeting, how forgetful, how frail is tradition ! There are families in this State who are ignorant even of the names of the first of their ancestors who came to this country—they know not whence, or why, or how they came. Between those days and the period of our revolution, the field for biography has become barren—little has been written, and of that little much has been lost by the destruction of papers during the war. The time, however, is approaching when this barren field will be cultivated by genius and by pride ; and, under the auspices of obscurity (ever friendly to fiction), become fertile in fables.

“My faith in the generality of historical relations of every kind has been gradually declining for these thirty years. On various occasions I have seen accounts of events and affairs which I knew to be incorrect. Not a few of the common and current opinions respecting public men and public transactions are common and current mistakes, designedly countenanced by demagogues to promote party or personal purposes. The time, however, will most certainly come when the world and all that therein is will be purified in a refiner’s fire. It will then be of little importance to us whether our ancestors were splendid or obscure, and whether events and characters have been truly or partially represented, or not represented at all.

“But to return.—I have been informed that our family

is of Poictou, in France, and that the branch of it to which we belong removed from thence to Rochelle. Of our ancestors anterior to Pierre Jay, who left France on the revocation of the Edict of Nantes, I know nothing that is certain. Pierre Jay was an active and opulent merchant, extensively and profitably engaged in commerce. He married Judith, a daughter of Mons. Francois, a merchant in Rochelle. One of her sisters married M. Mouchard, whose son was a director of the French East India Company. Pierre Jay had three sons and one daughter. The sons were Francis, who was the eldest; Augustus, who was born 23d March, 1665; and Isaac. The daughter's name was Frances. Mr. Jay seemed to have been solicitous to have one of his sons educated in England. He first sent his eldest son, but he unfortunately died on the passage. Notwithstanding this distressing event, he immediately sent over his son Augustus, who was then only twelve years old. In the year 1683, Mr. Jay recalled Augustus, and sent him to Africa, but to what part or for what purpose is now unknown.

“The troubles and violences which preceded the revocation of the Edict of Nantes are related in five quarto volumes, entitled ‘*Histoire de L’Edit de Nantes*,’ which you will find among my books. As those detestable proceedings are amply detailed in that history, I decline taking particular notice of them here. To me it appears extraordinary, that such proceedings did not sooner lead the more discreet and considerate Protestants to foresee the necessity they would be under of leaving the kingdom, and the prudence of making timely provision for their retreat. Such, however, is human nature. We all know with absolute certainty that we are to pass from this to another world, and yet how few of us prepare for our removal!

“Pursuant to an order passed in January, 1685, the Protestant church at Rochelle was demolished. The en-

suings summer a number of troops were marched into the city, and quartered on the Protestant inhabitants, and these troops were soon followed by four companies of dragoons. The attempts made to convert or intimidate Mr. Jay proving fruitless, some of these dragoons were sent to his house to live and act at their discretion. I have not understood that they offered any personal insults to Mr. Jay or his family, but in other respects they behaved as it was intended they should. Such a situation was intolerable, and Mr. Jay lost no time in relieving his family from it. He found means to withdraw them, together with some articles of value, secretly from the house, and succeeded in putting them on board a vessel which he had engaged for the purpose. They fortunately set sail without being discovered, and were safely landed at Plymouth, in England. He thought it advisable to remain behind, doubtless with the design to save what he could from the wrecks of his fortune.

“It was not long before the absence of his family excited attention, and produced investigations. After some time he was arrested and committed to prison. Being closely connected with some influential Catholics, he was by their interposition and good offices soon set at liberty. At that time some vessels in which he was concerned were expected, and particularly one from Spain, of which he was the sole owner. He determined to effect his escape, if possible, in the first of these vessels that should arrive; and for that purpose instructed a pilot, on whose good-will and attachment he relied, to watch these vessels, and to put the first of them that came in immediately at anchor, at a place agreed upon between them.

“Of the vessels that were expected, the one from Spain was the first that arrived. The pilot instantly went on board, and carried her to the place agreed on, and gave Mr. Jay notice of it. With the aid of this faithful and

friendly pilot, proper precautions were taken to prevent discovery, and the moment Mr. Jay got on board she sailed, and carried him to England.

“This ship and her cargo (the principal part of which was iron) belonged wholly to himself, and together with the property sent over with his family, and that now brought over by himself, comprised all that he saved. What this all amounted to, I have never been informed: it was such, however, as placed him and his family above dependency, and was so managed as that, during the residue of his life, his situation was comfortable.

“As soon as Mr. Jay’s departure was known, his estate in France was seized; and no part of it afterward came to the use of either himself or his children.

“Having escaped from the fury of persecution to a friendly country, nothing remained to excite his anxiety but the fate of his son Augustus, whom he had sent to Africa, and who would probably arrive without having been apprized of the troubles and flight of his family. This accordingly happened. On his arrival at Rochelle, he found himself in a situation not easy to be described. The persecution was proceeding with increasing severity, and every circumstance and prudential consideration pressed him to decide without delay on the measures proper for him to take and pursue. He determined to remain true to his religion, and to meet the risks and dangers to which it exposed him. The kindness of his friends facilitated every necessary arrangement for his departure from the country, and in a very short time he embarked in a vessel bound to Charleston, in South Carolina. Thus by Divine Providence every member of the family was rescued from the rage and reach of persecution, and enabled to preserve a portion of property more than adequate to their actual necessities.

“Augustus very properly reflected that his parents had two younger children to provide for, and that it became him to depend on his own exertions. It was his first in-

tention to settle in South Carolina. His education in England, and the knowledge he had acquired of the English language, trade, and manners, had prepared him for living in an English country. The climate of South Carolina, however, made so serious an impression on his health that he went to Philadelphia, which he found in such an infant state, that he thought it advisable to go to New-York. With New-York he was much pleased, and found there several refugee families from Rochelle. His first employment was that of supercargo, and he continued in it for several years. His parents found themselves relieved from anxiety about his welfare, and with great satisfaction observed his industry and promising prospects. The time, however, was approaching when the course of life proper for their younger son was to be determined and provided for. He, it seems, preferred a military life; and his passion for it was exceedingly excited by the forming a regiment of French refugees in England to serve a Protestant king against a popish competitor. Isaac solicited the consent of his parents with so much earnestness, that it was at length obtained. He joined his regiment as a volunteer, and was with it at the battle of the Boyne, in 1690. He received several wounds; and returning to his father, lingered for some months, and died.

“In the year 1692 certain commercial affairs at Ham-  
burgh induced Augustus to take a passage in a vessel bound from New-York to that place. The vessel was captured by a privateer from St. Maloes, and carried into that port. He with other prisoners was sent to a fortress about fifteen miles from St. Maloes. He was in that fortress when the news of the battle of La Hogue arrived there. Orders were thereupon given that the prisoners should that evening be put and kept in close custody. By negligence or accident the prisoners became informed of this order. Augustus and another prisoner agreed to attempt making their escape. The day had been wet and boisterous, and in the

evening the rain and wind increased. Before the time when they expected to be called, they found means to conceal themselves, so that when the other prisoners were carried to the places in which they were to be closely confined, these two remained without. Favoured by the darkness and the storm, they eluded the vigilance of the sentinels, and proceeded to the part of the wall which they had agreed on. There Augustus let himself drop into the ditch, and received no material injury. His companion did not join him : whether he changed his mind or was stunned by the fall is uncertain. Augustus took the road to Rochelle, and so managed as not to arrive there till the next evening, and at a late hour repaired to his aunt Mouchard, by whom he was kindly received and secreted ; and afterward, through her address and management, he was privately conveyed to the Isle of Rhè, where a vessel ready to sail for Denmark received him. He arrived safe in Denmark. On his return he went to Holland, and from thence to England to visit his father and sister. Much to the grief and loss of the family his mother had lately died, and he found his father and sister deeply affected by it. This was the first time they had met since they fled from France. The excitements to sensibility were numerous, and it was natural that on such an occasion the tears of grief should mingle with those of joy. The affairs and engagements of Augustus constrained him to return speedily to America ; and it was not long before he was obliged to take leave of his afflicted and affectionate father and sister. With what emotions they bade each other a *last* farewell may easily be conceived. How much has persecution to answer for !

“In 1697 Augustus married, at New-York, Ann Maria, a daughter of Mr. Balthazar Bayard. The ancestor of this gentleman was a Protestant professor of theology at Paris in the reign of Lewis the 13th, and who had been compelled by the persecuting spirit of popery to quit his country, and go with his wife and children to Holland. Three of his grand-

sons, of whom Mr. Balthazar Bayard was one, afterward removed from Holland to America. By his marriage Augustus became encircled with friends who, from their situations, were able, and from the attachment to consanguinity (for which our Dutch families were always remarkable), were disposed to promote his interest as a merchant, and his social happiness as a man. He no sooner found himself settled and his prospects fair, than he represented the prosperous state of his affairs to his father and sister, and earnestly pressed them to come over and participate in it. But his father thought himself too far advanced in age to undertake the voyage, and no considerations could have prevailed on his excellent daughter to leave him.

“From what has been said, you will observe with pleasure and with gratitude how kindly and how amply Providence was pleased to provide for the welfare of our ancestor Augustus. Nor was his case a solitary or singular instance. The beneficent care of Heaven appears to have been evidently and remarkably extended to all those persecuted exiles. Strange as it may seem, I never heard of one of them who asked or received alms; nor have I any reason to suspect, much less to believe, that any of them came to this country in a destitute condition. The number of refugees who settled here was considerable. They did not disperse or settle in different parts of the country, but formed three societies or congregations; one in the city of New-York, another at the Paltz, and the third at a town which they purchased and called *New-Rochelle*.\* At New-Rochelle they built two churches, and lived in great tranquillity: none of them became rich, but they all lived comfortably.

“Augustus Jay, after having had three daughters, was on the 3d November, 1704, blessed with a son, whom, in honour of his father, he named Peter. That good old gentleman lived some time after this, but how long exactly, I do not

\* In Westchester county, state of New-York.



recollect. After his death his daughter married Mr. Pelouquin, a merchant of Bristol.

“In the year 1723, Mr. Jay had the pleasure of giving one of his daughters to Mr. Peter Valette, a French refugee settled at New-York. This gentleman was one of three brothers; they were all Protestants, and each of them in more than easy circumstances. Being hard pressed by persecution, they were driven by it to decide on the part they should take. Two of them determined to adhere to their religion—the other became a papist, and took the estates of his brothers. Of the two who remained faithful, one came to New-York, and the other settled in the island of Jamaica, where he became very opulent. The following anecdote shows that he was not an ordinary man. During the war between England and France, I think in the reign of Queen Anne, some French prisoners captured at sea were brought to Jamaica. Among them was one whose name was Valette. This excited the old gentleman’s curiosity. He saw the prisoner, and discovered that he was the son of his unworthy brother, who, in consequence of unprofitable speculations, had been reduced to indigence. He took the prisoner to his house, made the necessary arrangements for his return to France, and made him the bearer of a grant to his father of a liberal annuity, I think £300 a year.”

Ill health probably prevented Mr. Jay from extending the narrative from which the foregoing extracts have been taken, so far as to embrace a notice of his parents.

Augustus Jay pursued his profession as a merchant with credit and success. He lived to the good old age of 86, respected and esteemed by his fellow-citizens, and died at New-York in 1751. He was remarkable for uniting great vivacity and good-humour to deep and unaffected devotion. He left three daughters and one son, named Peter. The former married gentlemen of some of the most respectable families of the province; the latter was sent to England in his youth, and placed in the counting-house of

his uncle, Mr. Peloquin, of Bristol. Soon after his return, in 1728, Peter Jay married Mary the daughter of Jacobus Van Cortlandt. Her mother was the daughter of Frederick Philipse, whose family, originally of Bohemia, had been compelled by popish persecution to take refuge in Holland, from whence he had emigrated to New-York. Thus had the subject of our memoir the honour to be descended in three instances from ancestors who chose to abandon their country rather than their religion.

Peter Jay pursued the occupation of his father and grandfather ; and, declining a participation in the political disputes which then distracted the colony, he applied himself assiduously to his business as a merchant. Having earned a fortune which, added to the property he had acquired by inheritance and marriage, he thought sufficient, he resolved, when little more than forty years old, to retire into the country, and for this purpose purchased a farm at Rye, on the shores of Long Island Sound, a few miles distant from New-Rochelle, and about five-and-twenty from the city of New-York. To this measure he was also prompted by a domestic calamity. Two of his children, a son and a daughter, were attacked in their infancy by small-pox, and were deprived of sight by this formidable disease, the right treatment of which was then unknown or not practised. It was thought that the two little sufferers could be brought up more safely and advantageously in the country than the city. Peter Jay had ten children ; JOHN was his eighth child, and was born in the city of New-York the 12th December, 1745. He was named after the Honourable John Chambers, one of the Judges of the Supreme Court of the province, who had married his mother's sister. On the removal of the family to Rye, he was carried there in his nurse's arms.

The character of the parents, who now devoted themselves to the education of their children, deserves to be noticed. It was a theme on which their son delighted to con-

verse ; for seldom have parents been so loved and revered as they were by him. Both father and mother were actuated by sincere and fervent piety ; both had warm hearts and cheerful tempers ; and both possessed, under varied and severe trials, a remarkable degree of equanimity. But in other respects they differed widely. He possessed strong masculine sense, was a shrewd observer and admirable judge of men ; resolute, persevering, and prudent ; an affectionate father, a kind master, but governing all under his control with mild but absolute sway. She had a cultivated mind and fine imagination ; mild and affectionate in her temper and manners, she took delight in the duties as well as the pleasures of domestic life ; while a cheerful resignation to the will of Providence, during many years of sickness and suffering, bore witness to the strength of her religious faith. So happily did these various dispositions harmonize together, that the subject of this memoir often declared, that he had never, in a single instance, heard either of his parents use towards the other an angry or unkind word.

Notwithstanding the cares of a large family, the mother devoted much of her time to the instruction of the two blind children and of the little John. To the former she read the best authors ; to the latter she taught the rudiments of English, and the Latin grammar. When between six and seven years old, his father, writing about him to one of the family, remarked, "Johnny is of a very grave disposition, and takes to learning exceedingly well. He will soon be fit to go to a grammar-school." When eight years old he was sent to a grammar-school kept by the Rev. Mr. Stoope, pastor of the French church at New-Rochelle. His character, even at this early age, seems to have been sufficiently marked to excite the favourable anticipations of his discerning father, who, in a letter to Mr. Peloquin of Bristol, observed, "I cannot forbear taking the freedom of hinting to you that my Johnny gives me a very pleasing prospect.

He seems to be endowed with a very good capacity, is very reserved, and quite of his brother James's disposition for books."

The gentleman to whose charge he was now committed was a native of Switzerland, and of odd habits. Ignorant of the world, regardless of money, and remarkable for absence of mind, he devoted every moment of his leisure to his studies, and particularly to the mathematics; and he left the undisputed government of himself and his household to his wife, who was as penurious as he was careless. The parsonage and every thing about it was suffered to decay, and the boys were treated with little food and much scolding. Little as he was, John contrived to prevent the snow from drifting upon his bed, by closing the broken panes of glass with pieces of wood. The contrast between such lodgings and such treatment and that to which he was accustomed at home was not pleasing, but probably not without its uses. The plain and simple diet to which he was confined led to that indifference to the quality of his food for which through life he was remarkably distinguished, while his constitution no doubt derived additional strength and vigour from the hardships to which he was exposed. His health was robust; and in after-life he used to mention the pleasure he at this time enjoyed in roaming through the woods and gathering nuts, which he carried home in his stockings, which he stripped off for the purpose. The inhabitants of the village were chiefly descendants of French refugees, and French was spoken by them, as well as in the parsonage; and he thus acquired, with little trouble, a language for which he had afterward so much use. He remained at this school three years, when his father took him home and placed him under the instruction of a private tutor, who completed his preparation for college.

King's (now Columbia) College was then in its infancy, and had but few students. The number of them has never been large, but there are few colleges in our country which

have produced more good scholars in proportion to the number than this.

To this college Mr. Jay was sent in 1760, being a little more than fourteen years old. The excellent Dr. Samuel Johnson was then president.

The young freshman was now suddenly introduced to a scene entirely new to him, and was thrown among companions of various dispositions and habits, without any other guide or monitor than his own good sense and virtue. His intercourse with others made him sensible of his own deficiencies, and he commenced the work of correcting them with a resolution and perseverance not often evinced in early youth. His articulation was indistinct, and his mode of pronouncing the letter *L* exposed him to ridicule. He purchased a book written by Sheridan, probably his Lectures on Elocution, and, shutting himself up daily in his room, studied it till his object was accomplished. He had a habit of reading so rapidly as to be understood with difficulty. For the purpose of correcting this fault, he read aloud to himself, making a full stop after every word, until he had acquired a complete control of his voice; and he thus became an excellent reader. With the same energy he pursued all his studies, and especially attended to English composition. So intent was he on this, that when about to write an English exercise, he placed a piece of paper and a pencil by his bedside, that if, while meditating on his subject in the night, a valuable idea occurred to him, he might make some note of it, even in the dark, that might recall it in the morning.

His application and correct deportment acquired for him the esteem and friendship of the president. This worthy man resigned his office after Mr. Jay had been three years in college, and retired to Connecticut, from whence he wrote a kind letter to his late pupil, inviting him to visit him, and assuring him of his prayers that he might "continue to act a good part." Dr. Johnson was succeeded in the presi-

dency by Dr. Myles Cooper, an Oxford scholar, a high tory, and as might have been expected, a decided royalist, when the revolution began ; but the difference of their political sentiments never prevented Mr. Jay from speaking of him with esteem.

As the period of his college life approached, it became necessary to decide concerning his future profession. This was left by his father to his own choice. After due reflection he decided to study law. One of his classmates having formed the same resolution, they determined to begin at once, and they read together *Grotius de Jure Belli et Pacis* in the original.

An obstacle however then existed to his pursuit of the profession he had chosen, in New-York, which at this day appears extraordinary. The members of the bar in New-York were then few in number ; and actuated by an unworthy desire to secure to themselves, as far as possible, the whole legal practice of the colony, they entered into an agreement with each other not to take into their offices as clerks any young men who intended to enter the profession. Mr. Jay's father took timely measures to secure for his son in England that legal education which was thus denied to him in his own country ; and preparations were made for sending John to London as soon as he should leave college. Shortly before this period arrived, the agreement we have mentioned was abandoned ; whether because it was found impossible to enforce it, or because its authors shrank from the odium it excited, is now unknown.

In the last year of his collegiate course, and a few weeks before he was to take his degree, an incident occurred which threatened to destroy the good feeling which existed between Mr. Jay and the president. A number of students being assembled in the college hall, some of them, either through a silly spirit of mischief, or in revenge for some fault imputed to the steward, began to break the table. The president, attracted by the noise, entered the room,

but not so speedily as to find the offenders in the act. He immediately arranged the students in a line, and beginning at one end, asked, "Did you break the table?" the answer was "No."—"Do you know who did?"—"No." Passing along the line, the same questions and answers were asked and received, till he came to Mr. Jay, who was the last but one in the line. To the first question he replied as the others had done, and to the second he answered, "Yes, sir."—"Who was it?"—"I do not choose to tell you, sir," was the unexpected reply. The young gentleman below him returned the same answers. The president expostulated and threatened, but in vain. The contumacious students were called before a board of the professors, where Mr. Jay made their defence. Each student on his admission had been required to sign his name to a written promise of obedience to all the college statutes. Mr. Jay contended that he had faithfully kept this promise, and that the president had no right to exact from him any thing not required by the statutes; that these statutes did not require him to inform against his companions, and that therefore his refusal to do so was not an act of disobedience. The defence was overruled, and the delinquents were sentenced to be suspended and rusticated. Mr. Jay returned to college at the expiration of his sentence; and Dr. Cooper, by the kindness of his reception, suffered him to perceive that he had not by his conduct forfeited any part of his good opinion.\* On the 15th May, 1764, he received his degree of Bachelor of Arts, and spoke the Latin salutatory, which was then, as at present, regarded as the highest collegiate honour.

\* It is worthy of remark, that Mr. Jay retained among his papers to the day of his death a copy of the statutes, from which it appears that the conduct for which he was suspended was not even indirectly forbidden by them.

## CHAPTER II.

1764-76.

Mr. Jay studies Law with Benjamin Kissam—Admitted to the Bar—Commences Practice with Robert R. Livingston—His Marriage—Member of New-York Committee of Correspondence—Committee propose a General Congress—He is elected a Delegate to Congress—Writes Address to People of Great Britain—Elected to New-York Provincial Congress—Appointed Delegate to the second General Congress—Member of New-York Committees of Observation and Association—Writes Address to People of Canada—Supports a second Petition to the King—Writes Address to People of Ireland—Appointed Colonel in New-York Militia—Anecdote of first Communication to Congress of the Intentions of the French Court—Is elected a Member of New-York Convention—Recalled from Congress to assist in the Convention—Power and Proceedings of Committee for detecting Conspiracies—Writes Address from Convention to the People of New-York—Secret Correspondence with Mr. Deane.

Two weeks after he had taken his degree, Mr. Jay entered the office of Benjamin Kissam, Esq., in the city of New-York, as a student at law. With this gentleman he soon found himself on those terms of easy familiarity which are inspired by mutual esteem and confidence. In after-life he was accustomed to speak of Mr. Kissam as one of the best men he ever knew, and one of the best friends he ever had.\*

\* Lindley Murray, afterward distinguished by his various works on grammar and religion, was at this time a student in the same office. In a short memoir of himself, published after his death, he paid the following tribute to his early companion:—"The celebrated John Jay, Esq., late Governor of New-York, was my fellow-student for about two years. His talents and virtues gave at that period pleasing indications of future eminence: he was remarkable for strong reasoning powers, comprehensive views, indefatigable application, and uncommon firmness of mind. With these qualifica-



To a letter from Mr. Kissam, while absent, making some inquiries about the business of the office, his clerk returned the following answer :

“New-York, 12th August, 1766.

“DEAR SIR,

“To tell you that I often find myself at a loss for something to say, would be telling you nothing new ; but to inform you that whenever I sit down to write, my invention makes a point of quarrelling with my pen, will doubtless be to account for the in my letters. In writing to those who, I know, prefer honest hearts to clear heads, I turn thought out of doors, and set down the first ideas that turn up in the whirl of imagination. You desire me ‘to give you some account of the business of the office :’ whether my apprehension is more dull than common, or whether I have slept too late this morning and the drowsy god is still hovering over my senses, or from what other cause, matter, or thing I know not ; but I really do not well understand what you would have me do. You surely do not mean that I should send you a list of *new* causes on your docket ; for I imagine ’tis perfectly indifferent whether you receive a fee in the cause *A. vs. B.*, or *B. vs. A.* : the number of them, indeed, may (as the New-England lawyers’ phrase is) be a matter of *some speculation*. And, therefore, to remove every hook and loop whereon to hang a doubt, I won’t acquaint you that there are a *good many* ; for *you* and I may annex different ideas to these words—but that you have new ones in the Supreme, and in the Mayor’s Court.

“If by wanting to know how matters go on in the office, you intend I shall tell you how often your clerks go into

tions, added to a just taste in literature, and ample stores of learning and knowledge, he was happily prepared to enter on that career of public virtue by which he was afterward honourably distinguished, and made instrumental in promoting the good of his country.”

it ; give me leave to remind you of the old law maxim, that a man's own evidence is not to be admitted in his own cause. Why ? Because 'tis ten to one he does violence to his conscience. If I should tell you that I am all day in the office, and as attentive to your interest as I would be to my own, I suspect you would think it such an impeachment of my modesty as would not operate very powerfully in favour of my veracity. And if, on the other hand, I should tell you that I make hay while the sun shines, and say unto my soul,—‘ Soul, take thy rest, thy lord is journeying to a far country ;’ I should be much mistaken, if you did not think the confession looked too honest to be true.

“ When people in the city write to their friends in the country, I know, it is expected that their letters should contain the news of the town. For my part, I make it a rule never to frustrate the expectations of my correspondents in this particular, if I can help it ; and that as much for my own sake as for theirs : for it not only saves one's invention a good deal of fatigue, but fills up blank paper very agreeably. Things remain here, if I may speak in your own language, pretty much in *statu quo*. Some, with reluctance, shuffling off this mortal coil ; and others solacing themselves in the arms of mortality. The ways of men, you know, are as circular as the orbit through which our planet moves, and the centre to which they gravitate is *self*: round this we move in mystic measures, dancing to every tune that is loudest played by heaven or hell. Some, indeed, that happen to be jostled out of place, may fly off in tangents like wandering stars, and either lose themselves in a trackless void, or find another way to happiness ; but for the most part, we continue to frolic till we are out of breath ; then the music ceases, and we fall asleep. It is said you want more soldiers. I suspect Mr. Morris was lately inspired by some tutelar deity. If I remember right, he carried a great many *flints* with him. Good Lord deliver you from battle, murder, and from sudden death.

“Pray, how do all these insignia of war and bloodshed sit upon Sam Jones’s lay stomach. I wonder how he can bear to see Justice leaning on an officer’s arm, without getting a fit of the spleen ; or behold the forum surrounded with guards, without suffering his indignation to trespass on his stoicism. I dare say he is not much pleased with such unusual pomp of justice, such unprecedented array of terror ; and would rather see the court hop lamely along upon her own legs, than walk tolerably well with the assistance of such crutches. God bless him. I wish there were many such men among us ; they would reduce things to just principles.

“I have just read over what I have written, and find it free enough in all conscience. Some folks, I know, would think it too free, considering the relation we stand in to each other.

“If I were writing to some folks, prudence would tell me to be more straight-laced : but I know upon what ground I stand ; and professional pride shall give me no uneasiness, while you continue to turn it, with Satan behind your back.

“Yours, truly,  
“JOHN JAY.”

Mr. Kissam’s reply to this letter proves that its freedom was warranted, by the grounds on which he had thought proper to place his intercourse with his young friend.

“DEAR SIR,

“I just now received your long letter of the 12th inst., and am not a little pleased with the humour and freedom of sentiment which characterize it. It would give me pain if I thought you could even suspect me capable of wishing to impose any restraint upon you, in this high and inestimable privilege of friendship. Because I can see no reason why the rights of one relation in life should destroy

those of another, I detest that forbidding pride which, with formal ceremony, can stalk over the social rights of others, and elevate the soul in a vain conceit of its own dignity and importance; founded merely in some adventitious circumstance of relative superiority. Take this, therefore, if you please, as a *nolli prosecute* for the heinous crime of writing a free and familiar letter to me; with this further, that whenever you transgress in the other extreme, you must not expect to meet with the same mercy.

“I really believe, Jay, your pen was directed by the rapid whirl of imagination; nay, I am convinced that this whirl was begun, continued, and ended with a strong tide. I can’t help conceiving it under the idea of a mill-tide, which keeps the wheels in a quick rotation, save only with this difference, that the motion of that is uniform, yours irregular—an irregularity, however, that bespeaks the grandeur, not the meanness of the intellectual source from whence the current flows. I will now explain to you what I meant by asking how business went in the office. And first, *negatively*, I did not want a list or the number of the new causes; neither was I anxious to know how often you visited the office. But, as a regard to your modesty on the one hand, and your veracity on the other, has induced you to evade an answer to the last, I will, nevertheless, solve the dilemma for you by saying, that I believe you have too much veracity to assume a false modesty, and that you are too honest to declare an untruth. And, as you have left me between two extremes, I shall take the middle way; and do suppose that, upon the whole, you attend the office as much as you ought to do; so that you see I save both your modesty and veracity, and answer the question as you state it into the bargain.

“But, *affirmatively*, I am to tell you, that I did mean to ask in general, whether my business decreased much by my absence; and whether my returns at the last term were pretty good; and whether care has been taken to put

that business forward as much as possible. I conclude, however, that though you did not take me, as the Irishman said, yet these things have been properly attended to.

"Here we are, and are likely to be so, I am afraid, these ten days. There are no less than forty-seven persons charged, all upon three several indictments, with the murder of those persons who lost their lives in the affray with the sheriff. Four or five of them are in jail, and will be tried this day: what their fate will be, God only knows; it is terrible to think that so many lives should be at stake upon the principles of a constructive murder: for I suppose that the immediate agency of but a very few of the party can be proved.

"I am, your affectionate friend,

"BENJAMIN KISSAM.

"Albany, the 25th August, 1766."

On commencing his clerkship, he asked his father's permission to keep a riding horse. His prudent parent hesitated, and remarked that horses were seldom eligible companions for young men; adding, "John, why do you want a horse?" "That I may have the means, sir, of visiting you frequently," was the reply; and it removed every objection. The horse was procured; and during the three years of his clerkship, Mr. Jay made it a rule to pass one day with his parents at Rye every fortnight.

In 1768 Mr. Jay was admitted to the bar, and almost immediately acquired an extensive and lucrative practice. Of the opinion entertained of his talents by his late master, the following, addressed to him at the White Plains Court, is both a pleasant and an honourable testimony.

"DEAR JACK,

"When you consider that all the causes you have hitherto tried have been by a kind of inspiration, you will need only

a small degree of enthusiasm to be persuaded that my lameness is a providential mercy to you, by calling you to *action* again. If it was not for you, or some other such apostolic lawyer, my clients would be left in the lurch this court, as I am afraid I cannot attend myself. But, sir, you have now a call to go forth into my vineyard; and this you must do, too, upon an evangelical principle—that the master may receive the fruits of it. All I can tell you about the causes is little more than to give you a list of their titles; but this is quite enough for you. One is about a horse-race, in which I suppose there is some cheat; another is about an eloped wife; another of them also appertains unto horse-flesh. These are short hints; they may serve for briefs. If you admire conciseness, here you have it. There is one writ of inquiry.

“As to the cause about Captain’s island, this, tell Mr. Morris, must go off. Because, as you are concerned against me, I can’t tell where to find another into whose head the cause can be infused in the miraculous way of inspiration; and without this it would rather be too intricate for any one to manage from my short hints. There will probably be some of my old friends, who may inquire after me, and perhaps some new ones will want to employ me: will you be kind enough to let them know that you will take care of any business for me. I ask these favours from you, John, with great freedom. I wish you good success with my consignments, and hope they’ll come to a good market. If they don’t, I am sure it will not be the *factor’s* fault; and if my clients’ *wares* are bad, let them bear the loss.

“You will see my docket, with memoranda to direct what is to be done. If my leg is better, perhaps I may see you on Wednesday; but it is very uncertain. Where Mr. Morris is not *against* me, I am sure he will be *with* me; and you may call on him for that purpose with as much freedom as if I had a perfect right to command his service.

I know the goodness of his heart ; and his friendship for me will make him embrace every opportunity to serve me with pleasure.

“ I am, your humble servant,

“ BENJ. KISSAM.

“ New-York, 6th Nov. 1769.”

It sometimes happened that Mr. Jay and Mr. Kissam were engaged on opposite sides in the same cause ; and on one of these occasions, the latter being embarrassed by some position taken by the other, pleasantly remarked in court, that he had brought up a bird to pick out his own eyes. “ Oh no,” retorted his opponent, “ not to pick out, but to open your eyes.”

Mr. Jay’s devotion to his profession, before long, began to affect his health, and his physician advised him to take exercise, as indispensable to its recovery. This advice was followed with characteristic energy and perseverance. He took lodgings six miles from his office, and for a whole season came to town every morning on horseback, and returned in the evening. The experiment was attended with complete success.

On commencing practice, he entered into partnership with his relative, Robert R. Livingston, Esq., afterward chancellor of the State of New-York. The connexion, however, was soon dissolved ; probably, because they discovered that their separate efforts could command an adequate share of business.

Commissioners having been named by the king to settle the disputed boundary between New-Jersey and New-York, Mr. Jay was appointed secretary to the commission ; a situation that for a while exacted from him a large portion both of time and labour.

In 1774, Mr. Jay was married to Sarah, the youngest daughter of William Livingston, Esq., afterward for many years governor of New-Jersey, and a zealous and distin-

guished patriot of the revolution. His prospects of domestic happiness and professional eminence were now unusually bright; but they were soon clouded by the claims of his country, which called him from the bar, and the endearments of home, to defend her rights in the national councils, and at foreign courts.

The passage of the Boston port Bill, on the 31st of March, 1774, disclosed to the American people the vindictive feelings of the British ministry, and taught them that a prompt and vigorous resistance to oppression could alone preserve their freedom. The news of this act excited universal alarm. A meeting of the citizens of New-York was assembled on the 16th of May, to "consult on the measures proper to be pursued in consequence of the late extraordinary advices received from England." The meeting nominated a committee of fifty "to correspond with our sister colonies on all matters of moment." This committee was the first body organized in the colony, in opposition to the measures which resulted in the American revolution. Mr. Jay was one of the committee, and was immediately placed on a sub-committee appointed to prepare answers to whatever letters might be received. The committee had soon an extensive correspondence; and their sittings were frequent, and with closed doors. The minutes of this committee are still extant,\* and form an historical document of no ordinary interest.

On the 23d of May, the sub-committee reported the draught of an answer to a letter received from a committee at Boston. The answer was adopted, and copies of it ordered to be forwarded to Connecticut, Philadelphia, and South Carolina. The following extract from this letter, which was probably from the pen of Mr. Jay, is interesting, as it contains the first proposition that was made for convoking a general congress to consider the present state

\* They are preserved in the Library of the New-York Historical Society.



of affairs. The members of the Virginia House of Burgesses had indeed, three days before, recommended the more general measure of an agreement among the colonies for the annual appointment of delegates, who were to meet and deliberate on their common interests. This recommendation had not, of course, reached the New-York Committee, who, in their letter to their friends in Boston, observed,

“Your letter enclosing the vote of the town of Boston and the letter of your Committee of Correspondence were immediately taken into consideration. While we think you justly entitled to the thanks of your sister colonies for asking their advice on a case of such extensive consequences, we lament our inability to relieve your anxiety by a decisive opinion. The cause is general, and concerns a whole continent who are equally interested with you and us; and we foresee that no remedy can be of avail unless it proceeds from the joint act and approbation of all. From a virtuous and spirited union much may be expected, while the feeble efforts of a few will only be attended with mischief and disappointment to themselves and triumph to the adversaries of liberty.

“Upon these reasons we conclude, that a **CONGRESS OF DEPUTIES FROM THE COLONIES IN GENERAL** is of the utmost moment; that it ought to be assembled without delay, and some unanimous resolutions formed in this fatal emergency, not only respecting your deplorable circumstances, but for the security of our common rights. Such being our sentiments, it must be premature to pronounce any judgment on the expedient which you have suggested. We beg, however, that you will do us the justice to believe that we shall continue to act with a firm and becoming regard to American freedom, and to co-operate with our sister colonies in every measure that shall be thought salutary and conducive to the public good. We have nothing to add, but that we sincerely condole with you in your unexampled distress, and to request your speedy opinion of the proposed Congress,

that if it should meet with your approbation we may exert our utmost endeavours to carry it into execution."

On the 7th June a second letter was addressed to the Boston Committee, requesting them to appoint the time and place for the assembling of the proposed Congress. The New-York Committee, on the 4th of July, resolved that delegates ought to be appointed to represent the city in a general Congress, whenever it should be holden; and they advised the citizens to meet on the 19th of the same month, to elect their delegates; at the same time recommending to their suffrages five gentlemen, of whom Mr. Jay was one.

At this period a diversity of sentiment prevailed among the whigs in New-York. A majority of the committee were in favour of referring all important measures to the proposed Congress; while a portion of their constituents, whose zeal exceeded their prudence, were desirous of immediate resistance and retaliation, and were clamorous for a non-importation agreement, without waiting for the opinion or concert of the other provinces. The meeting on the 19th of July, called by the committee, was chiefly attended by this party; and although the candidates nominated by the committee were chosen, certain resolutions proposed by the committee were rejected, and persons were appointed to draft others more in unison with the temper of the meeting. Mr. Jay, who seems to have possessed the confidence of both parties, was one of those selected to prepare the new resolutions. To the official notice of his appointment he returned, in conjunction with three others, the following reply:

"GENTLEMEN,

"We have received your notice to attend the committee appointed yesterday to draw up resolves for the city. When we consider that the appointment of this committee was proposed and carried without any previous notice of such design having been given to the inhabitants, and made no

part of the business for which they were requested to assemble, we think our election too irregular to assume any authority in consequence, to draw resolves for the town; especially as the nomination of the committee seems to cast an invidious reflection on the Committee of Correspondence, and manifestly tends to divide the citizens into factions and parties, at a time when they should be distinguished by concord and unanimity. Besides, we conceive our attendance could answer no good purpose, nor afford you any assistance. The resolves read yesterday, with a few amendments, contain our sentiments. We are, gentlemen,

“Your obdt. servts.”

The resolutions proposed by the committee contained the following, which led to their rejection.

“*Resolved*, That as the wisdom of the colonies will in all probability be collected at the proposed Congress, it would be premature in any colony to anticipate their conduct by resolving what ought to be done; but that it should be left to the joint counsels to determine on the mode which shall appear most salutary and effectual to answer the good purposes for which they are convened.

“*Resolved*, That nothing less than dire necessity can justify or ought to induce the colonies to unite in any measure that might materially injure our brethren the manufacturers, traders, and merchants of Great Britain; but that the preservation of our inestimable rights and liberties, as enjoyed and exercised and handed down to us by our ancestors, ought to supersede all other considerations.”

As already mentioned, the meeting consisted chiefly of the violent party, and not being a fair representation of the city, Mr. Jay, and two others of the delegation appointed by it, the next day published the following card:

“We conceive the sense of our fellow-citizens, relative to the delegates to represent them at the proposed Congress (notwithstanding the proceedings yesterday at the coffee-

house), remains so uncertain, that until the sentiments of the town are ascertained with greater precision, we can by no means consider ourselves or any others nominated as delegates, duly chosen, or authorized to act in so honourable and important a station."

A new election was thus rendered necessary; and it being thought advisable to hold it with more formality than the last, the committee recommended that a poll should be held on the 28th July, and that all who paid taxes should be allowed to vote; and the aldermen and common council of the city were requested to preside at the election.

It was now obvious, that no non-importation agreement would be generally entered into before the meeting of Congress, and without the recommendation of that body. Hence the party who had hitherto insisted on the immediate adoption of this measure without the concert of the other colonies, were now anxious to secure a delegation favourable to their views. A meeting of the party was held, and a committee appointed to procure from Mr. Jay and the other candidates a pledge, that if elected, they would use their endeavours in favour of a non-importation agreement, informing them at the same time, that unless they would give this pledge, other candidates would be supported in opposition to them.

To this they replied:

"GENTLEMEN,

"Should we become your delegates, we beg leave to assure you that we will use our utmost endeavours to carry every measure into execution at the proposed Congress that may then be thought conducive to the general interest of the colonies; and at present are of opinion that a general non-importation agreement, faithfully observed, would prove the most efficacious means to procure a redress of grievances. Permit us to add, that we are led to make this declaration of our sentiments, because we

think it **RIGHT**; and not as an inducement to be favoured with your votes: nor have we the least objection to your electing any gentlemen as your delegates in whom you think you can repose more confidence than in

“Your humble servants,

“**PHILIP LIVINGSTON,**

“**JOHN ALSOP,**

“**ISAAC LOW,**

“**JOHN JAY.”**

As to the expediency of a non-importation agreement, Congress and their constituents unfortunately laboured under a fatal mistake. They anticipated at this period, not a long and disastrous war, but rather a contest of commercial restrictions. Instead, therefore, of opening their ports, and hastily laying in large supplies, both of the necessities of life and the munitions of war, they adopted a system of the most rigid self-denial, and discovered, when too late, that they had rendered the country almost totally destitute of military stores, and of those articles which the wants and customs of society render important, but which at that time could only be procured from abroad. Whether the answer of the candidates proved satisfactory or not, or whether it was discovered that opposition would be unavailing, is now unknown. The candidates were elected by a unanimous vote. ✓

The situation of delegate to the Continental Congress, a body unknown to the laws, and convened in opposition to the wishes and influence of the royal governors, and for the purpose of counteracting the designs of government, seems not to have been generally coveted. Every county in the colony had the same right to send delegates to the Congress as the city and county of New-York, yet Suffolk, Orange, and Kings were the only ones which exercised it. The towns of Kingston, New-Windsor, Bedford, White Plains, Mamaroneck, Poughkeepsie, and the city of Albany

authorized the New-York delegation to act for them : the rest of the colony was unrepresented.

Mr. Jay took his seat in Congress, at Philadelphia, on the 5th of September, 1774, being the first day of its session. He was in the twenty-ninth year of his age, and it is believed, the youngest member of the House. He survived all his colleagues several years.

The first act of Congress was to appoint a committee "to state the rights of the colonies in general ; the several instances in which those rights are violated or infringed ; and the means most proper to be pursued for obtaining a restoration of them." Mr. Jay was placed on this committee ; and soon after on a committee for drafting an address to the people of Great Britain, and a memorial to the people of British America. The address to the people of Great Britain was assigned by the committee to Mr. Jay. The occasion, the subject, his own youth, and this his first appearance in the national councils, all united in demanding from him the utmost exertion of his powers. To secure himself from interruption, he left his lodgings, and shut himself up in a room in a tavern ; and there composed that celebrated state-paper ; not less distinguished for its lofty sentiments, than for the glowing language in which they are expressed.\* The address was reported by the committee, and adopted by Congress, and immediately led to much inquiry and discussion respecting the author. Mr. Jefferson, while still ignorant of the author, declared it to be "a production certainly of the finest pen in America."†

Congress terminated its labours in about six weeks ; and in this brief period, Mr. Jay had acquired the confidence of his countrymen by the ability and zeal he had manifested in their service.

One of the acts of Congress was to recommend the

\* See Appendix.

† Jefferson's Writings, vol. i. p. 8.

appointment of town and county committees, for the purpose of carrying into effect the non-importation and non-consumption association ; and exposing to the public indignation the persons who might violate it. In consequence of this recommendation, the New-York Committee of Correspondence called on the citizens to elect " a Committee of Observation," and thereupon dissolved. The new committee, which consisted of sixty, was chosen the 18th November, and included Mr. Jay among its members.

The late Congress had made provision for the meeting of another on the 10th of May in the ensuing year. The New-York Committee again took measures to secure the election of delegates, but as the mode before adopted had resulted in only a partial representation of the colony, the committee now advised the counties to elect deputies to a Provincial Convention, to assemble in New-York on the 20th April, for the sole purpose of choosing delegates to Congress. The convention accordingly met, and Mr. Jay appeared in it as a deputy from the city ; and was chosen a delegate to Congress.

The Committee of Observation was appointed for the purpose of carrying into effect the measures proposed for interrupting the commerce of Great Britain with her colonies. But it was soon discovered that the exigences of the times required attention to other objects ; and that the powers of the committee were too limited to make proper provision for the safety of the city. The committee, therefore, advised their fellow-citizens to elect in their stead a more numerous committee, and with *general* powers. But whatever might be the powers of the New-York Committee, it would still be only a local committee, incapable of exerting through the colony a general and harmonious authority, claiming the confidence and obedience of all. The Legislature being, from various causes, under the influence of the royal government and its adherents, no longer represented the sentiments of the people : under these circumstances, the New-York Committee advised the

counties to elect deputies to a *Provincial Congress*, to assemble on the 22d of May. Both the recommendations of the committee were adopted. The city of New-York, on the 28th of April, appointed a "Committee of *Association*," consisting of one hundred, and invested them with general undefined powers. Mr. Jay was the third time appointed to represent his fellow-citizens in their city committee. The Provincial Congress convened in New-York on the 28th of May, and immediately assumed the functions of the Legislature.

The new committee evinced by the energy of their measures that they were not unmindful of the object of their appointment. They called on the citizens to arm, and to perfect themselves in military discipline. They likewise ordered the militia to patrol the streets at night, to prevent the exportation of provisions. The Provincial Congress had not yet assembled, and, in the absence of all legal authority, the committee was the only body that could assume the responsibility of such high-toned measures. The committee, moreover, addressed a spirited letter to the lord mayor and magistrates of London, praying them to use their endeavours for the redress of American grievances. This letter bore Mr. Jay's signature.

On the 10th May, 1775, the second Congress assembled at Philadelphia, and with the exception of a recess during the month of August, continued in session during the remainder of the year. The measures of this Congress were of the most decided character, and although they were not aimed at independence, they evinced an inflexible resolution to maintain constitutional liberty at every hazard. The battle of Lexington, which had occurred shortly before the meeting of Congress, disclosed the design of the British ministry to employ force where they might think it necessary; and Congress were thus compelled to consider the momentous question, whether the people of America should take up arms against their sovereign in defence of their



rights. This question was soon brought to a decision, by an application from the New-York delegates for the advice of Congress, as to the conduct proper to be observed by the citizens of New-York on the expected arrival of a British armament at that place. On the 15th May, Congress recommended to the citizens of New-York not to commence hostilities, but to repel force by force, and not to permit the British to erect fortifications, or to cut off the communication between the town and country. But it soon became evident that in order to act successfully, even on the defensive, an organized force would be requisite; and Congress proceeded to take measures for raising an army, and adopted a code of "Rules and Regulations of the American army." It is pleasing to observe the regard for religion and morality manifested in this code. The officers and soldiers were earnestly exhorted diligently to attend Divine worship; penalties were provided for such as should use profane oaths; and duels were expressly prohibited. In a subsequent period of the session, rules and regulations were established for the navy of the United Colonies; and every commander was enjoined to have Divine service performed twice a day on board his vessel, and a sermon preached every Sunday.

On the 15th June, Washington was chosen commander-in-chief, and a few days after, the subordinate generals were appointed. These officers were selected from different parts of the continent, and it was thought expedient to take a brigadier from New-Hampshire; but Congress were unacquainted with any military gentleman from that colony fit for the station. In this dilemma Mr. Jay nominated Mr. John Sullivan, a delegate in Congress from New-Hampshire,—saying that his *good sense* was known to the house, and as to his military talents, he would take his chance for them. The nomination was confirmed, and the discernment which prompted it was abundantly justified by General Sullivan's active and useful career.

Fully sensible of the important aid which Canada might yield to either side in the approaching contest, Congress deemed it prudent to address its inhabitants. This address was written by Mr. Jay.

“When hardy attempts,” says the address, “are made to deprive men of rights bestowed by the Almighty; when avenues are cut through the most solemn compacts for the admission of despotism; when the plighted faith of government ceases to give security to dutiful subjects; and when the insidious stratagems and manœuvres of peace become more terrible than the sanguinary operations of war, it is high time for them to assert those rights, and with honest indignation oppose the torrent of oppression rushing in upon them.

“By the introduction of your present form of government, or rather present form of tyranny, you and your wives and your children are made slaves. You have nothing that you can call your own, and all the fruits of your labour and industry may be taken from you whenever an avaricious governor and a rapacious council may incline to demand them. You are liable by their edicts to be transported into foreign countries, to fight battles in which you have no interest, and to spill your blood in conflicts from which neither honour nor emolument can be derived. Nay, the enjoyment of your very religion, on the present system, depends on a legislature in which you have no share, and over which you have no control; and your priests are exposed to expulsion, banishment, and ruin, whenever their wealth and possessions furnish sufficient temptation.

“We are informed you have already been called upon to waste your lives in a contest with us. Should you, by complying in this instance, assent to your new establishment, and war break out with *France*, your wealth and your sons may be sent to perish in expeditions against their islands in the West Indies.

“It cannot be presumed that these considerations will have no weight with you, or that you are so lost to all sense

of honour. We can never believe that the present race of Canadians are so degenerated as to possess neither the spirit, the gallantry, nor the courage of their ancestors.

"We, for our parts, are determined to live free, or not at all; and we are resolved that posterity shall never reproach us with having brought slaves into the world.

"As our concern for your welfare entitles us to your friendship, we presume you will not, by doing us an injury, reduce us to the disagreeable necessity of treating you as enemies."

To defray the expense of the army, bills to the amount of two millions of dollars were issued on the faith and credit of the twelve confederated colonies, Georgia being not yet represented in Congress.

On the 6th July, Congress published a very able **DECLARATION**, "setting forth the causes and necessity of their taking arms." Mr. Jay was a member of the committee by whom this declaration was prepared, but it is not now known from whose pen it proceeded. The following assertions in this declaration were made in perfect good faith, and exhibit in a strong light the infatuation of the British ministry, who compelled a loyal people reluctantly to abjure for ever their allegiance to the British crown.

"Lest this declaration should disquiet the minds of our friends and fellow-subjects in any part of the empire, we assure them that we mean not to dissolve that union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. Necessity has not yet driven us into that desperate measure; we have not raised armies with ambitious designs of separating from Great Britain, and establishing independent states. In our native land, in defence of the freedom that is our birthright, and which we ever enjoyed till the late violation of it—for the protection of our property, acquired solely by the honest industry of our forefathers and ourselves—against violence actually offered, we have taken up arms. We shall lay

them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before."

On the 8th July, Congress individually signed a petition to the king. This measure originated with Mr. Jay, and was carried by him against a very strong opposition in Congress. The petition from the last Congress had been treated with insulting neglect, and it was now contended that to petition a second time would be inconsistent with self-respect; and although no regard would probably be paid to the petition, yet it would tend to excite fallacious hopes of an accommodation, and consequently to postpone the necessary preparations for a contest that was now inevitable. Mr. Jay, however, maintained, that if the people were called to take up arms against their sovereign, they ought to be persuaded that such a measure was unavoidable; and should it be found necessary hereafter for the colonies to separate from Britain, the conviction that no proper efforts to prevent such an event had been omitted, would reconcile the consciences of many to a course of conduct which would otherwise be inconsistent with their oaths of allegiance. The arguments of Mr. Jay prevailed; and a committee, including himself, was appointed to draught the petition. Mr. Dickenson, one of the committee, wrote the petition. It was ably drawn, and well calculated to allay the resentment which the late proceedings in Congress were likely to excite in those who entertained exalted opinions of the royal prerogative. The petition was loyal and respectful, and represented the people of America as desirous only to preserve their own rights, and not seeking to invade those of the king and parliament.

All the advantages anticipated by Mr. Jay from this measure were fully realized; and he was accustomed to speak of the auspicious influence it exercised on the American revolution. The rejection of the petition left no other alternative than submission or resistance; and numbers

acquiesced in the declaration of independence the ensuing year, as an act of necessity, who would have questioned its lawfulness had not the experiment of accommodation been fairly and fully made.

Congress likewise published a second address to the people of Great Britain, disclaiming any wish for independence, but asserting their determination to resist all encroachments on their rights. A letter was also addressed to the lord-mayor, aldermen, and livery of London, thanking them for the interest they had manifested for the preservation of American liberty, and soliciting the continuance of their good offices. Congress having addressed the people of Canada, it was thought proper to pay the same attention to their fellow-subjects of Jamaica and Ireland. The latter address was written by Mr. Jay, at the request of his father-in-law, who was a member of Congress from New-Jersey, and one of the committee appointed to prepare the draught.

The address, after painting in glowing colours the wrongs America had suffered, mentioned the mild measures of resistance adopted by the colonies. "Congress agreed to suspend all trade with Great Britain, Ireland, and the West Indies. And here permit us to assure you, that it was with the utmost reluctance we could prevail upon ourselves to cease our commercial connexion with your island. *Your* parliament had done us no wrong. *You* had ever been friendly to the rights of mankind; and we acknowledge with pleasure and gratitude that your nation has produced patriots who have nobly distinguished themselves in the cause of humanity and America. On the other hand, we were not ignorant that the labour and manufactures of Ireland, like those of the silk-worm, were of little moment to herself, but served only to give luxury to those who neither toil nor spin. We perceived that if we continued our commerce with you, our agreement not to import from *Britain* must be fruitless. Compelled to behold thousands of our countrymen imprisoned, and men, women, and

children in promiscuous and unmerited misery—when we find all faith at an end, and sacred treaties turned into tricks of state—when we perceive our friends and kinsmen massacred, our habitations plundered, our houses in flames, and their once happy inhabitants fed only by the hand of charity—who can blame us for endeavouring to restrain the progress of the desolation? Who can censure us for repelling the attacks of such a barbarous band? Who in such circumstances would not obey the great, the universal, the divine law of self-preservation? Though vilified as wanting spirit, we are determined to behave like men; though insulted and abused, we wish for reconciliation; though defamed as seditious, we are ready to obey the laws; and though charged with rebellion, will cheerfully bleed in defence of our sovereign in a righteous cause. What more can we say—what more can we offer?

“We know that *you* are not without your grievances. We sympathize with you in your distress, and are pleased to find that the design of subjugating us has persuaded administration to dispense to Ireland some vagrant rays of ministerial sunshine. Even the tender mercies of government have long been cruel towards you. In the fat pastures of Ireland many hungry parricides have fed and grown strong to labour in her destruction. We hope the patient abiding of the meek may not always be forgotten.”

Congress, having thus taken all the measures dictated by human prudence, submitted their cause with prayer and fasting to HIM, without whose blessing the wisdom of man is folly, and his strength weakness. The 20th of July, agreeably to a previous recommendation of Congress, was observed throughout the colonies as “a day of public humiliation, fasting, and prayer;” and Congress in a body attended Divine service, both in the morning and afternoon, and listened to sermons from preachers whom they had requested to officiate on the occasion.

The exposed situation of New-York had induced Congress

to recommend that the militia of the city should be armed and trained, and held in readiness to act at a moment's warning. The provincial Congress of the colony accordingly proceeded to organize and officer the militia, but their commissions were not sought for with avidity. Colonel McDougal wrote to Mr. Jay from New-York, the 30th October, "I have many matters of importance to communicate to you respecting our own safety and the public security, which time will not now permit me to communicate. Suffice it that the tories are cheerful, and too many of the whigs make long faces. Men of rank and influence refuse to accept of commissions as field officers of the militia, so that these commissions have gone a begging for six or seven weeks."

Mr. Jay had devoted himself to the service of his country, whether in the field or the cabinet, and shortly after this letter he received and accepted the commission of "Colonel of the Second Regiment of militia of foot, of the city of New-York." His civil duties, however, were too important at present to be relinquished for his new appointment, and he remained at his post in Congress.

America had commenced a contest for the preservation of her liberties, trusting solely to the goodness of her cause, and her own courage and patriotism; and probably without the most remote expectation of foreign aid; nor was it easy, in the existing state of Europe, to devise from what quarter such aid could possibly be derived. A singular occurrence, however, soon took place, that excited a gleam of hope, that in the approaching struggle the colonies would not be wholly left to their own unassisted efforts. Mr. Jay used to relate the following anecdote.

Some time in the course of this year, probably about the month of November, Congress was informed that a foreigner was then in Philadelphia, who was desirous of making to them an important and confidential communication. This intimation having been several times repeated, a committee

consisting of Mr. Jay, Dr. Franklin, and Mr. Jefferson was appointed to hear what the foreigner had to say. These gentlemen agreed to meet him in one of the committee rooms in Carpenter's Hall. At the time appointed they went there, and found already arrived an elderly lame gentleman, having the appearance of an old wounded French officer. They told him they were authorized to receive his communication; upon which he said that his Most Christian Majesty had heard with pleasure of the exertions made by the American colonies in defence of their rights and privileges; that his majesty wished them success, and would, whenever it should be necessary, manifest more openly his friendly sentiments towards them. The committee requested to know his authority for giving these assurances. He answered only by drawing his hand across his throat, and saying, "Gentlemen, I shall take care of my head." They then asked what demonstrations of friendship they might expect from the King of France. "Gentlemen," answered the foreigner, "if you want arms, you shall have them; if you want ammunition, you shall have it; if you want money, you shall have it." The committee observed that these assurances were indeed important, but again desired to know by what authority they were made. "Gentlemen," said he, repeating his former gesture, "I shall take care of my head;" and this was the only answer they could obtain from him. He was seen in Philadelphia no more. It was the opinion of the committee that he was a secret agent of the French court, directed to give these indirect assurances, but in such a manner that he might be disavowed if necessary. Mr. Jay stated that his communications were not without their effect on the proceedings of this Congress. This remark probably related to the appointment, on the 29th of November, of a secret committee, including Mr. Jay, for corresponding "with the friends of America in Great Britain, Ireland, and



*other parts* of the world." We shall have occasion to refer hereafter to the very important consequences resulting from the proceedings of this committee.

Of all the colonies, New-York was probably the least unanimous in the assertion and defence of the principles of the revolution. In almost every county there were many who openly sided with the mother country, and still more who secretly wished her success, and impatiently waited for the moment when they might, without personal danger, claim the reward of loyalty. The spirit of disaffection was most extensive on Long Island, and had probably tainted a large majority of its inhabitants. In Queens county, in particular, the people had, by a formal vote, refused to send representatives to the colonial Congress or Convention, and had declared themselves neutral in the present crisis. The apprehensions of Congress were excited, and a committee was appointed to take into consideration the present state of the colony. Mr. Jay was placed upon this committee, and the style of their report indicates him as its author. The report was confined to the situation of Queens county, and its recommendations were introduced with the following preamble :

"Whereas a majority of the inhabitants of Queens county, in the colony of New-York, being incapable of resolving to live and die freemen, and being more disposed to quit their liberties than part with the little proportion of their property necessary to defend them, have deserted the American cause by refusing to send deputies as usual to the Convention of that colony, and avowing, by a public declaration, an unmanly design of remaining inactive spectators of the present contest, vainly flattering themselves, perhaps, that, should Providence declare for our enemies, they may purchase their favour and mercy at an easy rate ; and, on the other hand, if the war should terminate in favour of America, that then they may enjoy, without expense of blood or treasure, all the blessings resulting from that liberty which they,

in the day of trial, had abandoned, and in defence of which many of their more virtuous neighbours and countrymen had nobly died; and it being reasonable that those who refuse to defend their country should be excluded from its protection, and prevented from doing it injury," &c.

The report then recommended that all the inhabitants who had voted against sending deputies to the Convention, should be put out of the protection of the united colonies, and not be permitted to travel or abide beyond the limits of their county; that any lawyer who should bring or defend any action for them should be deemed and treated as an enemy to the American cause; and that six hundred men from New-Jersey and as many from Connecticut should be marched into the county to disarm the disaffected, and to arrest and keep in custody, till further orders, certain specified individuals. The report and the accompanying resolutions were adopted by Congress.

The refusal of the British ministry to listen to any other terms of accommodation than unqualified submission on the part of the colonies, convinced Congress that the time had arrived when it became them to abandon the defensive ground they had hitherto occupied, and to employ their arms, not merely in protecting themselves, but in annoying their enemies. The point in which Great Britain was most assailable was her commerce; and it was determined to let loose upon it the numerous privateers which could speedily be sent forth from the various ports in the colonies. It was deemed proper, however, that a measure of so much importance should be preceded by a declaration explaining the reasons which prompted and justified it. Mr. Jay was placed on the committee to whom the task of preparing this declaration was assigned, and on the 23d of March Congress adopted their report.

In the month of April, Mr. Jay, while attending in Congress, was elected a representative from the city and county of New-York, to the Convention or Congress of the colony.

This Convention assembled on the 14th of May. Four days before its meeting, Congress had resolved, "That it be recommended to the assemblies and conventions of the united colonies, where no government sufficient to the exigences of their affairs hath been hitherto established, to adopt such government as shall in the opinion of the representatives of the people best conduce to the happiness and safety of their constituents in particular and America in general."

This recommendation was nearly tantamount to a declaration of independence, and it did not receive the unanimous approbation even of the friends of the American cause. To institute not a provisional but a permanent government, and thereby to renounce all dependence upon the British crown, and to vacate at once every office filled by the royal authority, was, especially in New-York, a work not to be accomplished without difficulty and danger. The very attempt was calculated to exasperate the tories to the utmost, while the whigs were not all prepared to take a step that would probably render reconciliation impossible. Doubts, moreover, were entertained whether the Convention of New-York were authorized by their constituents to transfer their allegiance from one government to another. Under these perplexing and critical circumstances, the Convention required the attendance of Mr. Jay. It must be recollected that at this time the delegates in Congress from New-York were not elected by the people, but appointed during pleasure by the colonial Convention. The Convention had therefore the power of recalling Mr. Jay from Congress; and, as he was himself a member of the Convention, they could command his presence in their own body, to assist in their deliberations. His seat in Congress was not, however, vacated, the Convention wishing merely to avail themselves of his counsel on the momentous subject submitted to them. Mr. Jay, in obedience to the summons he had received, took his seat in the Convention on the 25th of May. He had already been placed on a committee to whom the

Convention had referred the recommendation of Congress. A few days after, in a letter to his colleague in Congress, Mr. Duane, he observed, "When I shall return is uncertain, the Convention having directed me not to leave them till further orders." The arrival of the British army, the capture of New-York, the progress of the campaign, and the conspiracies of the tories, all united in placing the colony in so hazardous a situation, that Mr. Jay was not permitted to return to Congress, but was kept actively engaged during the residue of the year in the service of his native state. On the 31st of May he reported a series of resolutions, which were adopted by the Convention, calling on the people to elect deputies to a new Convention, with power to establish a form of government. The 9th of July was appointed for the meeting of the new Convention, and the present Convention continued in session in the mean time. The elections, which were then conducted in a very summary manner, were accordingly held, and Mr. Jay was returned to the new Convention.

On the 29th of June, Lord Howe and his army arrived off the harbour of New-York, and the Convention, apprehending an attack upon the city, ordered all the leaden window-sashes, which were then common in Dutch houses, to be taken out for the use of the troops; an order that strikingly shows how ill the colony was prepared for the arduous conflict that ensued. The next day the Convention adjourned to White Plains, about twenty-seven miles from the city.

The new Convention, clothed with power to establish a form of government for the colony, convened at White Plains on the 9th of July; and on the same day they received from Congress the DECLARATION OF INDEPENDENCE. This important document was immediately referred to a committee of which Mr. Jay was chairman, and he almost *instantly* reported the following resolution, which was unanimously adopted :

*“Resolved unanimously, That the reasons assigned by the Continental Congress for declaring these united colonies free and independent states are cogent and conclusive, and that while we lament the cruel necessity which has rendered this measure unavoidable, we approve the same, and will, at the risk of our lives and fortunes, join with the other colonies in supporting it.”*

Thus, although Mr. Jay was, by his recall from Congress, deprived of the honour of affixing his signature to the Declaration of Independence, he had the satisfaction of drafting the pledge given by his native state to support it; and this pledge, in his own handwriting, is preserved among the records of New-York.

Mr. Jay's resistance to usurped power was not confined to that exercised by the British crown. Congress had nominated the officers of a battalion, raised under the authority of the New-York Convention, and had explained to the Convention the reasons which had led to this assumption of power. The answer of the Convention to the communication from Congress was written by Mr. Jay, the very day after he had reported the resolution just given. After discussing with great freedom some of the arguments assigned by Congress for encroaching upon the acknowledged rights of the Convention, the answer proceeded: “The third reason given for depriving us in this instance of the right of nomination, is the good of the service and the danger of delay.

*“The necessity of the case, has in all ages and nations of the world been a fruitful, though dangerous, source of power. It has often sown tares in the fair fields of liberty, and like a malignant blast, destroyed the fruits of patriotism and public spirit. The whole history of mankind bears testimony against the propriety of considering this principle as the parent of civil rights; and a people jealous of their liberties will ever reprobate it. We believe Congress went into this measure with pure intentions, and with no other*

wish than that of serving their country ; and we entertain too high an opinion of their virtue and integrity to apologize for a plainness of speech becoming freemen, and which we know can give offence only to that counterfeit and adulterated dignity which swells the pride of those who, instead of lending, borrow consequence from their offices. And, sir, we beg leave to assure Congress, that though we shall always complain of and oppose their resolutions when they injure our rights, we shall ever be ready to risk our lives and fortunes in supporting the American cause."

About this time a clerical member of the Convention asked leave of absence for a short period, for the purpose of visiting his parish. As the part taken by Mr. Jay on this occasion has been frequently misrepresented as evincing great disrespect towards the sacred profession, we shall be excused for inserting the resolution he introduced, and which was agreed to by the House.

"Whereas the Rev. Mr. Kettletass, one of the deputies from Queens county, having been solemnly devoted to the service of God and the cure of souls, has good right to expect and claim an exemption from all such employments as would divert his attention from the affairs of that kingdom which is not of this world,—Resolved, that the said Mr. Kettletass be at liberty to attend this House at such times only as he may think proper, and that his absence be not considered by this House as a neglect of duty."

The Declaration of Independence had totally changed, not only the relation of the colonists to Great Britain, but their relation to each other. They were no longer fellow-subjects of the British monarch, but citizens of free and sovereign states, which now claimed their undivided allegiance. Those, therefore, among them who sided with the enemy, and were labouring to subvert the existing governments, were guilty of treason, and the public welfare required that they should be treated accordingly. Mr. Jay on the 16th July introduced into the Convention a resolution, which was

adopted, declaring that all persons abiding in the state, and who were entitled to the protection of its laws, who should aid or abet the enemies of the state, were guilty of high-treason; and on being convicted thereof, should suffer the penalty of death. That this was a strong measure, considering how recently all the inhabitants had acknowledged George the Third their rightful sovereign, cannot be denied; but that it was justified by circumstances, few will be disposed to doubt. That many of the adherents of Britain were actuated by a sense of duty, is certainly true; and the Convention did not attempt to force their consciences; it only required, that while remaining in the state and enjoying its protection, they should not aid its enemies.

A portion of Lord Howe's fleet having passed up the Hudson, the Convention, alarmed at the consequences which might result from the enemy's obtaining the command of that important river, appointed on the 17th July a secret committee, with very extensive powers, for the purpose of obstructing the navigation of the river and annoying the enemy's ships. Of this committee Mr. Jay was an active member, and was soon after his appointment despatched to a foundry in Connecticut for the purpose of procuring a supply of cannon and shot, and transporting them to the river. In our present regularly organized state of society, the extensive and undefined powers frequently at that time intrusted to individuals, appear no less dangerous than extraordinary. Thus, on the present occasion, Mr. Jay was "authorized and empowered to impress carriages, teams, sloops, and horses, and to call out detachments of the militia, and generally to do, or cause to be done at his discretion, all such matters and things as he may deem necessary or expedient to forward and complete the business committed to his care."

Mr. Jay repaired to Salisbury in Connecticut, where he found the number of cannon he wished, but the proprietors of the furnace declined parting with them without an order

from the governor. Mr. Jay next went to Lebanon, to solicit the necessary order from the governor, which after some delay was granted. He then returned to Salisbury, engaged teams, &c., and in a short time had twenty cannon delivered at West Point.

Although the present Convention had been elected for the express purpose of establishing a state government, yet so various and important were the subjects which claimed their immediate attention, that it was not till the 1st August that a committee was appointed to report a form of government. This committee, of which Mr. Jay was one, did not find time to perfect their report till the ensuing year. In the mean while, all the powers of government were exercised by the Convention and its committees.

The invasion of the state, and the disastrous events on Long Island, imboldened the tories, and excited the Convention to increased vigour and activity. A few days before the British army entered the city, the Convention ordered the church bells and even the brass knockers on the doors to be removed to a place of safety, for the purpose of being converted into cannon. They also, at the instance of Mr. Jay, in order to prevent intercourse between the enemy and the disaffected, established a system of passports, by which no person was permitted to pass from one county to another without a certificate from certain officers, that he was a friend to the American cause; and all persons travelling without such certificates were to be arrested and imprisoned.

It was soon found, however, that further and stronger measures were necessary to counteract the machinations of the tories, who encouraged by the presence of the British army and fleet, were raising troops, and even seizing zealous and influential citizens and carrying them into New-York, where they were imprisoned as rebels. To put an end to this state of things, the Convention appointed "a Committee for inquiring into, detecting and defeating all conspiracies



which may be formed in this State, against the liberties of America." This committee was empowered to send for persons and papers,—to call out detachments of the militia in different counties for suppressing insurrections,—to apprehend, secure, or remove persons whom they might judge dangerous to the safety of the State,—to make drafts on the treasury,—to enjoin secrecy upon their members and the persons they employed, and to raise and officer 220 men, and to employ them as they saw fit. Mr. Jay was placed on this formidable committee, acted as its chairman, and was long and laboriously engaged in its duties. The following preamble and resolutions, relative to this committee, were from his pen.

"Whereas certain inhabitants and subjects of this State, either seduced by the arts or corrupted by the bribes of the enemy, or influenced by unmanly fear, profess to owe allegiance to the King of Great Britain, although the said king had denied them his protection, absolved them from their allegiance, and by force of arms attempted to reduce them from subjects to vassals, and from freemen to slaves.

"And whereas others, from the like or similar motives, or with design to maintain an equivocal neutrality, and ungenerously avoid the dangers incident to those who nobly stand forth for the liberties of their country, pretend to hold for true the exploded and ridiculous doctrine of passive obedience and non-resistance to any power, however tyrannical, unconstitutional, oppressive, and cruel.

"And whereas it is not only just, but consonant to the usage of all civilized states, to withdraw their protection from, and punish such of their subjects as refuse to do their duty in supporting the liberties and constitutional authority of the state of which they are members. Resolved, that the committee appointed by the Convention of this State for the purpose of inquiring into, detecting, and defeating all conspiracies, &c. have full power and authority to disfranchise and punish all such unworthy subjects of this

State, as shall profess to owe allegiance to the king of Great Britain, and refuse to join with their countrymen in opposing his tyranny and invasion (other than such of the people called Quakers, who behave as good subjects, except in not bearing arms), by transporting them with their families, at their own expense, to the city of New-York, or other places in possession of the enemy; and that they be permitted to take with them all their clothes and household furniture; or if they think proper, to sell and dispose of their goods and chattels; that they who ignominiously prefer servitude to freedom, may, by becoming vassals and slaves to the king and parliament, deter others from the like shameful and dishonourable conduct."

The minutes of this committee, which are still extant, and many of them in Mr. Jay's handwriting, bear ample testimony to the energy with which they exercised their power. Their influence was felt throughout the State—the arrests, imprisonments, and banishments made by them, were almost numberless. Many tories, with their families, were sent into New-York, and some banished to other States. Many were compelled to give security to reside within certain limits: occasionally, the jails, and even the churches, were crowded with prisoners. Emissaries were employed to discover and counteract the plans of the tories; and, in short, a vigilant and vigorous system of police was exercised by this committee in every part of the State, which in no small degree contributed to keep it faithful to the common cause.

The very fact that such extraordinary powers were vested in a few individuals, by the representatives of a people conversant with the principles of liberty, and jealous of their infringement, proves the very critical state of the American cause at that period; and the conviction of its friends, that its success could be secured only by strong and resolute measures.

A crisis had indeed arrived which might well alarm the

most sanguine and devoted patriot, while it filled with exultation the enemies of America. The city of New-York, and all Long and Staten Islands, were in the hands of the enemy; their ships commanded the whole of Long Island Sound, and part of Hudson River. The American army had been compelled to retire from Westchester, leaving that important county at the mercy of the British. The northern army had been baffled in its attempt upon Canada; and General Washington, with about 3000 men, almost destitute of clothing, was slowly retreating through New-Jersey, utterly unable to check the advance of the troops who were pursuing him. Despondency generally prevailed; and the British general, availing himself of the panic occasioned by his successes, scattered abroad his proclamations, offering pardon and protection to repenting rebels. In this moment of gloom and dismay, Mr. Jay called on his countrymen, in language, perhaps, the most animating and thrilling that ever flowed from his pen, to awaken to a sense of their danger, and to discharge the duties they owed to themselves, their country, and their God. This call was made in an address from the Convention to their constituents, the 23d of December. The address was extensively circulated; and Congress passed a resolve "earnestly recommending it to the serious perusal and attention of the inhabitants of the United States; and ordered it to be translated and printed in the German language, at the expense of the continent."\* The address, after directing the attention of the people to the importance and solemnity of the present period, proceeded:

"Under the auspices and direction of Divine Providence, your forefathers removed to the wilds and wilderness of America. By their industry, they made it a fruitful—and by their virtue, a happy country. And we should still have

\* Journals of Congress.

enjoyed the blessings of peace and plenty, if we had not forgotten the source from which these blessings flowed ; and permitted our country to be contaminated by the many shameful vices which have prevailed among us.

“ It is a well known truth, that no virtuous people were ever oppressed ; and it is also true, that a scourge was never wanting to those of an opposite character. Even the Jews, those favourites of Heaven, met with the frowns, whenever they forgot the smiles of their benevolent Creator. By tyrants of Egypt, of Babylon, of Syria, and of Rome, they were severely chastised ; and those tyrants themselves, when they had executed the vengeance of Almighty God, their own crimes bursting on their own heads, received the rewards justly due to their violation of the sacred rights of mankind.

“ You were born equally free with the Jews, and have as good a right to be exempted from the arbitrary domination of Britain, as they had from the invasions of Egypt, Babylon, Syria, or Rome. But they, for their wickedness, were permitted to be scourged by the latter ; and we, for our wickedness, are scourged by tyrants as cruel and implacable as those. Our case, however, is peculiarly distinguished from theirs. Their enemies were strangers, unenlightened, and bound to them by no ties of gratitude or consanguinity. Our enemies, on the contrary, call themselves Christians. They are of a nation and people bound to us by the strongest ties. A people, by whose side we have fought and bled ; whose power we have contributed to raise ; who owe much of their wealth to our industry, and whose grandeur has been augmented by our exertions.”

After stating the extravagant demands of Britain, and the contempt with which she had treated the complaints and petitions of the colonies ; and the success which had attended her arms, the address remarked : “ The enemy with greater strength again invade us—invade us, not less by their arts

than their arms. They tell you, if you submit, you shall have **PROTECTION**—that their king breathes nothing but peace—that he will revise (not repeal) all his cruel acts and instructions, and will receive you into favour. But what are the terms on which you are promised peace? Have you heard of any *except absolute, unconditional obedience and servile submission*? If his professions are honourable—if he means not to cajole and deceive you, why are you not explicitly informed of the terms; and whether parliament mean to tax you hereafter at their will and pleasure? Upon this and the like points, the military commissioners of peace are silent; and, indeed, are not authorized to say a word, unless a power to grant pardon implies a power to adjust claims and secure privileges; or unless the bare possession of life is the only privilege which Americans are to enjoy; for a power to grant pardon is the only one which their parliament or prince have thought proper to give them. And yet they speak of peace, and hold daggers in their hands. They invite you to accept of blessings, and stain your habitations with blood. Their voice resembles the voice of Jacob, but their hands are like the hands of Esau. If the British king really desired peace, why did he order all your vessels to be seized, and confiscated? Why did he most cruelly command, that the men found on board such vessels should be added to the crews of his ships of war, and compelled to fight against their own countrymen—to spill the blood of their neighbours and friends; nay, of their fathers, their mothers, and their children; and all this before these pretended ambassadors of peace had arrived on our shores! Does any history, sacred or profane, record any thing more horrid, more impious, more execrably wicked! If there be one single idea of peace in his mind, why does he order your cities to be burned, your country to be desolated, your brethren to starve, and languish, and die in prison? If any thing were intended besides destruction, devastation, and bloodshed, why are the mercenaries of Germany transported

near four thousand miles? They plunder your houses; ravish your wives and daughters; strip your infant children; expose whole families naked, miserable, and forlorn, to want, to hunger, to inclement skies, and wretched deaths. If peace were not totally reprobated by him, why are those pusillanimous, deluded, servile wretches among you, who, for present ease or impious bribes, would sell their liberty, their children, and their souls; who, like savages, worship every devil that promises not to hurt them; or obey any mandates, however cruel, for which they are paid? how is it, that these sordid, degenerate creatures, who bow the knee to this king, and daily offer incense at his shrine, should be denied the peace so repeatedly promised them? Why are they indiscriminately abused, robbed, and plundered, with their more deserving neighbours? But in this world, as in the other, it is right and just that the wicked should be punished by their seducers. . . .

“And why all this desolation, bloodshed, and unparalleled cruelty? They tell you, to reduce you to obedience. Obedience to what? To their sovereign will and pleasure. And what then? Why, then you shall be pardoned, because you consent to be slaves. And why should you be slaves now, having been freemen ever since the country was settled? Because, forsooth, the king and parliament of an island, three thousand miles off, choose that you should be hewers of wood, and drawers of water for them. And is this the people whose proud domination you are taught to solicit? Is this the peace which some of you so ardently desire? For shame! for shame! . . . You may be told that your forts have been taken; your country ravaged; and that your armies have retreated; and that, therefore, God is not with you. It is true, that some forts have been taken, that our country hath been ravaged, and that our Maker is displeased with us. But it is also true, that the King of Heaven is not like the king of Britain, implacable. If we turn from our sins, He will turn from his anger. Then will our arms be crowned with success, and

the pride and power of our enemies, like the arrogance and pride of Nebuchadnezzar, will vanish away. Let a general reformation of manners take place—let universal charity, public spirit, and private virtue be inculcated, encouraged, and practised. Unite in preparing for a vigorous defence of your country, as if all depended on your own exertions. And when you have done all things, then rely upon the good Providence of Almighty God for success, in full confidence that without his blessing, all our efforts will inevitably fail. . . .

“Cease, then, to desire the flesh-pots of Egypt, and remember her task-masters and oppression. No longer hesitate about rejecting all dependence on a king who will rule you with a rod of iron: freedom is now in your power—value the heavenly gift: remember, that if you dare to neglect or despise it, you offer an insult to the Divine bestower—nor despair of keeping it. After the armies of Rome had been repeatedly defeated by Hannibal, that imperial city was besieged by this brave and experienced general, at the head of a numerous and victorious army. But, so far were her glorious citizens from being dismayed by the loss of so many battles, and of all their country—so confident were they in their own virtue and the protection of Heaven, that the very land on which the Carthaginians were encamped, was sold at public auction for more than the usual price. These heroic citizens disdained to receive his protections, or to regard his proclamations. They invoked the protection of the Supreme Being—they bravely defended their city with undaunted courage—they repelled the enemy and recovered their country. Blush, then, ye degenerate spirits, who give all over for lost, because your enemies have marched through three or four counties in this and a neighbouring State—ye who basely fly to have the yoke of slavery fixed on your necks, and to swear that you and your children shall be slaves for ever.”

The address then gave a glowing picture of the obstacles to be encountered by Great Britain in her endeavours to enslave her late colonies, and of the means which Providence had furnished America for protecting the liberty he had given her; and concluded in the following terms. "Rouse, brave citizens! Do your duty like men; and be persuaded that Divine Providence will not permit this western world to be involved in the horrors of slavery. Consider, that from the earliest ages of the world, religion, liberty, and reason have been bending their course towards the setting sun. The holy gospels are yet to be preached to these western regions; and we have the highest reason to believe that the Almighty will not suffer slavery and the gospel to go hand in hand. It cannot, it will not be.

"But if there be any among us, dead to all sense of honour, and love of their country; if deaf to all the calls of liberty, virtue, and religion; if forgetful of the magnanimity of their ancestors, and the happiness of their children; if neither the examples nor the success of other nations—the dictates of reason and of nature; or the great duties they owe to their God, themselves, and their posterity, have any effect upon them—if neither the injuries they have received, the prize they are contending for, the future blessings or curses of their children—the applause or the reproach of all mankind—the approbation or displeasure of the Great Judge—or the happiness or misery consequent upon their conduct, in this and a future state, can move them;—then let them be assured, that they deserve to be slaves, and are entitled to nothing but anguish and tribulation. Let them banish from their remembrance the reputation, the freedom, and the happiness they have inherited from their forefathers. Let them forget every duty, human and divine; remember not that they have children: and beware how they call to mind the justice of the Supreme Being: let them go into captivity, like the



idolatrous and disobedient Jews; and be a reproach and a by-word among the nations. But we think better things of you,—we believe and are persuaded that you will do your duty like men, and cheerfully refer your cause to the great and righteous Judge. If success crown your efforts, all the blessings of freemen will be your reward. If you fall in the contest, you will be happy with God in heaven.”

Were we to form an estimate of Mr. Jay's character only from the language in which he denounced those who were hostile, or indifferent to the liberties of his country, and from the measures he proposed against them; we should be almost ready to believe that a stern and devoted patriotism had absorbed the more delicate and amiable feelings of his breast. But his public as well as private conduct was governed by a strict sense of moral obligation; and while he never permitted his friendship or sympathy for individuals to interfere with the paramount claims of his country, he delighted to indulge the kind and generous sensibilities of his nature whenever circumstances would allow him. He invariably discountenanced all inhumanity and unnecessary rigour towards the enemy, or the tories. On one occasion, having reason to believe that a zealous committee-man in Westchester county had exercised his power with unjustifiable severity, he complained of his conduct, and procured a vote of censure against him from the Convention. Some time after, this person met him, and assured him that he was innocent of the alleged charge, and complained that he had been condemned without having an opportunity of vindicating himself. Mr. Jay, struck with the justice of this remonstrance, instantly replied—“You are right, and I was wrong, and I ask your pardon.” This frank acknowledgment disarmed the committee-man of his resentment; and, grasping Mr. Jay's hand, he exclaimed—“I have often heard that John Jay was a great man, and now I know it.”

In consequence of the vicinity of the enemy, Rye became an unsafe residence for Mr. Jay's parents ; and it appears from the minutes of the Convention that he asked and obtained leave of absence, in order to remove them. He accordingly repaired to Rye, and succeeded in removing his parents to Fishkill, about the time of the battle of White Plains. The dwelling and farm at Rye were abandoned, and soon after fell into the possession of the enemy ; nor were they again occupied by the family till after the war.

A few extracts from Mr. Jay's correspondence will show that the sternness of his public policy was far from being prompted by natural disposition.

“ TO ROBERT R. LIVINGSTON.

“ Ph. 6th Jan., 1776.

“ DEAR ROBERT,

“ Amid the various sources of consolation in seasons of poignant distress, which the wise have long amused themselves and the world with, the little share of observation and experience which has fallen to my lot convinces me that resignation to the dispensations of a benevolent as well as omnipotent Being can alone administer relief. The sensations which the first paragraph of your letter has occasioned mock the force of philosophy, and I confess have rendered me the sport of feelings which you can more easily conceive than I express. Grief, if a weakness, is nevertheless on certain occasions amiable, and recommends itself by being in the train of passions which follow virtue. But remember, my friend, that your country bleeds and calls for your exertions. The fate of those very friends whose misfortunes so justly afflict you, is linked with the common cause, and cannot have a separate issue. Rouse, therefore, and after vigorously discharging the duties you owe your country, return to your peaceful shades, and supply the place of your former joys, by the reflection that they are only removed to a more kindred soil, like

flowers from a thorny wilderness by a friendly florist, under whose care they will flourish and bloom, and court your embraces for ever. Accept my warmest thanks for the ardour with which you wish a continuance and increase of that friendship to which I have long been much indebted. Be assured that its duration will always be among the first objects of my care. Let us unite in proving by our example that the rule which declares juvenile friendships, like vernal flowers, to be of short continuance, is not without exceptions, even in our degenerate days. Mr. Deane has this moment come in, so that I must conclude, as I hope to conclude every letter to you, with an assurance that I am

“Your affectionate friend,

“JOHN JAY.

“P. S.—50 tons of saltpetre arrived this day.”

“TO ROBERT R. LIVINGSTON.

“Philadelphia, 4th March, 1776.

“MY DEAR FRIEND,

“Fame says you are still much indisposed. I pray God she may on this, as she does on many other occasions, prove a liar. I wrote you last week from Elizabethtown. Tell me whether you have received that, and which other of my letters. I was in hopes of finding a letter from you here for me; and the disappointment is the greater, as the state of your health for some time past has given me much anxiety. The prospect of being soon deprived of a father, and probably a mother, whom you know I tenderly love, the unhappy situation of some of my family, added to the distress I feel for the late misfortunes and sickness of my friend, have occasioned more gloomy ideas in my mind than it has ever before been the subject of: despondency, however, ill becomes a man. I hope I shall meet every severe stroke of fate with firmness and resignation, though not with sullen indifference. It gives me consolation to reflect that the human race are immortal, that my parents and

friends will be divided from me only by a curtain which will soon be drawn up, and that our great and benevolent Creator will (if I please) be my guide through this vale of tears to our eternal and blessed habitation.

“Notwithstanding your letter, I shall expect that your disorder is to be ascribed more to your solicitude than constitution. I well remember that though to appearance not robust, you could endure great fatigue, and few of our contemporaries have enjoyed more health than yourself. I have a kind of *confidence* that exercise, temperance, and cheerfulness would be as friendly to you as they were to old CORNARO. I wish you could get away from home and pursue no other objects. Try, if it be only for a month or two, and give up all kind of business of what nature soever. Don't permit anybody to say a word to you about your causes, your rents, your farm—nay, for the present avoid even politics, defer joining the Congress, the Assembly, or any other body of men whose object is business. Suppose, when the season becomes more mild, you were to take lodgings at Bristol? The waters would probably be useful to you, you would see as much and as little company as you pleased, and I promise to go to church with you every Sunday. Tell Mrs. Livingston I beg she will join her persuasion to mine. Such a little journey would be useful to you both, and I should think the middle of April would not be too early for it.

“The Committee for Canada was appointed before I reached this place. It consists of Dr. Franklin, Mr. Chace, and a Mr. Carrol from Maryland. Had I been here I should have proposed you, though I must confess I think you can employ your time more to the advantage of your health in many other ways. Your country has no demands upon you till that be re-established. Let me entreat you, therefore, to confine your attention to it. Twenty-seven tons of powder, some saltpetre, and three hundred arms arrived here yesterday, and we hear from good authority that five tons of powder have arrived safe at North Carolina.

This is all the news I have heard since I have been in town. As to politics, you know the letters of Congress people should be silent on that subject in these times, when letters often miscarry, &c. God bless you and give you health.

“ I am yours, &c.

“ JOHN JAY.”

“ TO MRS. JAY.

“ Salisbury, 29th July, 1776.

“ MY DEAR SALLY,

“ I am now returning to Poughkeepsie, where I am to meet some members of the Convention on the 7th of August. How long I may stay there is entirely uncertain. Unless some unforeseen business should intervene, I purpose returning to the White Plains by the way of Elizabethtown. The journey will be long and fatiguing, but as all the inconveniences of it will be amply compensated by the pleasure of spending a day or two with you, I consider it with satisfaction, and shall pursue it with cheerfulness. Don't, however, depend on it, lest you be disappointed. In these days of uncertainty we can be certain only of the present ; the future must be the object rather of hope than expectation. My dear Sally, are you yet provided with a secure retreat in case Elizabethtown should cease to be a place of safety ? I shall not be at ease till this be done. You know my happiness depends on your welfare ; and therefore I flatter myself your affection for me has, before this will reach you, induced you to attend to that necessary object. I daily please myself with an expectation of finding our boy in health and much grown, and my good wife perfectly recovered and in good spirits. I always endeavour to anticipate good instead of ill fortune, and find it turns to good account ; were this practice more general, I fancy mankind would experience more happiness than they usually do. The only danger attending it is, that, by being too sanguine in our expectations, disappointment often punishes our confidence and renders

the sensations occasioned by mortification and chagrin more painful than those arising from anticipated and imaginary enjoyments were pleasing. These, however, are inconveniences which a little prudence will easily obviate. A person must possess no great share of sagacity who, in this whirl of human affairs, would account that certain which, in the nature of things, cannot be so. But this looks more like writing an essay than a letter. I was thinking loud, my dear wife, which you know is a species of enjoyment which never falls to my lot but when in your company. May I long and often enjoy it! My compliments to all the family.

“I am, my dear Sally, and always will be,

“Your very affectionate husband,

“JOHN JAY.”

“TO EDWARD RUTLEDGE.

“6th July, 1776.

“DEAR RUTLEDGE,

“Your friendly letter found me so engaged by plots, conspiracies, and chimeras dire, that, though I thanked you for it in my heart, I had no time to tell you so either in person or by letter. Your ideas of men and things (to speak mathematically) run, for the most part, parallel with my own; and I wish Governor Tryon and the devil had not prevented my joining you on the occasion you mentioned. How long I may be detained here is uncertain, but I see little prospect of returning to you for a month or two yet to come. We have a government, you know, to form; and God only knows what it will resemble. Our politicians, like some guests at a feast, are perplexed and undetermined which dish to prefer. Our affairs in Canada have lately become much the subject of animadversion; and the miscarriages in that country are, with little reserve, imputed to the inattention of the Congress. Indeed, there is reason to believe that certain military gentlemen who reaped no lau-

rels there are among the patrons of that doctrine. It is to me amazing that a strict inquiry has not been made into the behaviour of those under whose direction we have met with nothing but repeated losses in that country. Nor is the public silent with respect to the inactivity of the fleet; and reports have gone abroad, that the admiral has refused to comply with the orders of Congress relative to the cannon taken at Providence. I'll tell you a pretty story of \*\*\*\*\*.

While he was smoking his pipe in the suburbs of Quebec, he took it into his head that he might do wonders with a fire-ship; and, with an imagination warmed by the blaze of the enemy's vessels, sent for a New-York captain, who, it seems, understood the business of fire-ship building. Under the strongest injunctions of secrecy, he communicated to him the important plan, and ordered him to get the ship in readiness with all the despatch and privacy in his power; wisely observing, that if the enemy should get any intelligence of his design, they would carry their vessels out of the way of his fire-ship. The captain accordingly set about preparing the materials, &c. necessary for the exploit which was to heroise his general. Some short time after, \*\*\*\*\* was informed that the time for which the York troops were enlisted would expire in a day or two; he issued orders for them to parade at a certain time and place, and informed them that he would then and there make a speech to them—and a Ciceronian speech it was.

“ ‘My lads,’ says he, ‘I find your time is almost out, and maybe some of you may think on going; but surely you won't leave me now; you must try and stay a little longer. Don't think that I am laying here doing nothing. No, no; you shall see a fine sight soon. I am busy building a fire-ship; and as soon as she is ready, we'll burn all their vessels up.’ *Cetera desunt.*

“The York troops, allured by the promise of a *feu de joie*, staid and were disappointed. Some renegade Frenchmen remembered the speech, and told it as a secret to Gov-

ernor Carleton. The vessels were put out of harm's way, and the Connecticut Alexander lost his passage in a fire-ship to the temple of fame.

"My compliments to Messrs. Braxton, Lynch, and such others as I esteem,—of which number rank yourself, my dear Ned, among the first.

"Believe me to be sincerely yours,

"JOHN JAY."

It will be recollected that, in 1775, Mr. Jay had been placed by Congress on a secret committee of correspondence. The proceedings of this committee were enveloped in the most profound secrecy, and they led to important results. Mr. Jay seems to have been its chief organ of correspondence. The committee, having secured the friendship of certain individuals in France and Holland, sent in the spring of this year, Mr. Silas Deane, a late member of Congress, as their agent to France. He was directed to appear in that country as a merchant; and certain persons were mentioned to whom he was to confide the object of his mission, and through whose agency he was to obtain an interview with Count Vergennes, the French minister for foreign affairs. It was hoped that he would thus be enabled to procure military supplies for Congress.

As France was at this time at peace with England, it became necessary to resort to expedients to prevent the consequences that might result from the miscarriage of Mr. Deane's letters. For this purpose, he was provided with an invisible ink, and Mr. Jay with a chymical preparation for rendering the writing legible. But, as letters apparently blank might excite suspicions, and lead to experiments that might expose the contrivance, Mr. Deane's communications were written on large sheets, commencing with a short letter in common ink, relative to some fictitious person or business, and under a feigned name, and the



residue of the paper was occupied by his despatch in the invisible ink. The following letters from Mr. Morris, a member of the committee, refer to this secret correspondence.

“ TO JOHN JAY.

“ Philadelphia, Sept. 23, 1776.

“ DEAR SIR,

“ Although your express delivered me your favour last Wednesday or Thursday, yet I did not receive the letter from Mr. Deane until this day, and shall now send after the express, that he may convey this safe to your hands ; should he be gone I must find some other safe conveyance. You will find enclosed both Mr. D—ne’s letters, as you desired, and I shall thank you for the copy of the invisible part. He had communicated so much of this secret to me before his departure, as to let me know he had fixed with you a mode of writing that would be invisible to the rest of the world ; he also promised to ask you to make a full communication to me, but in this use your pleasure ; the secret, so far as I do or shall know it, will remain so to all other persons. It appears clear to me that we may very soon involve all Europe in a war, by managing properly the apparent forwardness of the court of France ; it is a horrid consideration that our own safety should call on us to involve other nations in the calamities of war. Can this be morally right, or have morality and policy nothing to do with each other ? Perhaps it may not be good policy to investigate the question at this time. I will therefore only ask you whether General Howe will give us time to cause a diversion favourable to us in Europe. I confess as things now appear to me the prospect is gloomy indeed. Therefore, if you can administer comfort, do it. Why are we so long deprived of your abilities in Congress ? Perhaps they are more usefully exerted where you are : that may be the case ; but such

men as you, in times like these, should be everywhere. I am with true sentiments of respect and esteem,

“Dear Sir,

“Your obedient and humble servant,

“ROBERT MORRIS.”

“TO JOHN JAY.

“Philadelphia, Feb. 4, 1777.

“DEAR SIR,

“Your favour of the 7th ult. came safe to hand. Timothy Jones is certainly a very entertaining, agreeable man; one would not judge so from any thing contained in his cold insipid letter of the 17th Sept., unless you take pains to find the concealed beauties therein: the cursory observations of a sea captain would never *discover* them, but transferred from his hand to the penetrating eye of a *Jay*, the diamonds stand confessed at once. It puts me in mind of a search after the philosopher’s stone, but I believe not one of the followers of that phantom have come so near the mark as you, my good friend. I handed a copy of your discoveries to the committee, which now consists of Harrison, R. H. Lee, Hooper, Dr. Witherspoon, Johnson, you, and myself; and honestly told them who it was from, because measures are necessary in consequence of it; but I have not received any directions yet.

“I should never doubt the success of measures conducted by such able heads as those that take the lead in your Convention. I hate to pay compliments, and would avoid the appearance of doing it, but I cannot refrain from saying I love Duane, admire Mr. Livingston, and have an epithet for you if I had been writing to another. I wish you had done with your Convention; you are really wanted exceedingly in Congress: they are very thin. Adieu, my dear sir; God bless you, and grant success to

America in the present contest, with wisdom and virtue to secure peace and happiness to her sons in all future ages.

“I am, with true regard,

“Your most obedient servant,

“ROBERT MORRIS.”

The secret letter, alluded to by Mr. Morris, was masked by the following note in common ink, at the top of the page.

“Bordeaux, Sept. 17th, 1776.

“DEAR SIR,

“I have now to inform you of my safe arrival at this place, after a passage of thirty-two days from Martinico, and am so extremely weak that I am scarcely able to hold my pen, yet could not let this opportunity slip of letting you know where I am, and that I have a prospect of recovering; for though weak, my fever and cough have left me almost entirely. There is not much news here, and if there was, I should not dare to write it, as that might intercept the letter if taken. My compliments to all friends.

“Yours,

“TIMOTHY JONES.

“John Jay, Esq., Attorney at Law.”

When a single sheet was insufficient for the secret despatch, Mr. Timothy Jones, or some other imaginary gentleman, requested the favour of Mr. Jay to forward the enclosed letter agreeably to its direction; and the enclosed letter, with the exception of a short note on some fictitious business, was filled with the residue of the despatch in invisible ink. The secret writing is now wholly illegible, and the paper much corroded by the liquid with which it had been washed. The dates of these letters are all endorsed, and on comparing them with the dates of Mr. Deane's letters, published in the American Diplomatic Cor-

respondence, it appears that some of the letters have never been made public; and that others were copied by Mr. Jay for the committee, and have thus been preserved.

The successful result of Mr. Deane's mission is too well known to render any details respecting it necessary.

---

### CHAPTER III.

1777-9.

Mr. Jay reports Draught of a Constitution for the State—Constitution adopted—He is appointed Chief Justice, and Member of the Council of Safety—Writes Letter to People of Tryon County—His Correspondence with General Schuyler—Extracts from his first Charge to Grand Jury—Consultation with General Washington about Invasion of Canada—Extracts from Private Correspondence—Is appointed Delegate to Congress—Chosen President of Congress—Resigns Office of Chief Justice—At request of Congress, writes Letter to the States on the Public Finances—His Conduct relative to Vermont—Appointed Minister Plenipotentiary to Spain.

THE Convention of New-York had been elected in 1776, for the double purpose of forming a constitution for the State, and of exercising, until that duty had been performed, all the powers of government. But such was the exposed situation of the State, and so various and important the affairs which continued to claim the attention of the Convention, that it was long before it found itself at leisure to enter upon the grave task of preparing a constitution. Indeed, the Convention frequently found it necessary, in consequence of the inroads of the enemy, abruptly to adjourn, and again to assemble at another place. Thus at different times they met at Harlaem, Kingsbridge, Philips's Manor, Fishkill, White Plains, Poughkeepsie, and Kingston.

On the 1st of August, 1776, a committee was appointed to prepare and report a constitution. Of this committee Mr. Jay was chairman, and its duty appears to have been assigned to him. Upon reflecting on the character and feelings of the Convention, he thought it most prudent to omit in the draught several provisions that appeared to him important, and afterward to propose them separately as amendments. This course was followed, but the precipitation with which the instrument was finally adopted in his absence, prevented it from being carried into full execution. On the 12th of March, the committee reported their plan of a constitution, which is in Mr. Jay's handwriting. The final question on the proposed constitution was not taken till the 20th of April. A few days previous, Mr. Jay had been summoned to attend his dying mother; and before his return, the constitution was adopted, with some additions and omissions which he regretted. In a letter to two gentlemen of the Convention, dated 29th of April, he expressed himself with great freedom on the hurried manner in which this important business had been concluded, and pointed out his objections to the additions that had been made in his absence. "The other parts of the constitution," he observed, "I approve; and only regret that, like a harvest cut before it was all ripe, some of the grains have shrunk. Exclusive of the clauses which I have mentioned, and which I wish had been added, another material one has been omitted: viz. a direction that all persons holding offices under the government should swear allegiance to it, and renounce all allegiance and subjection to foreign kings, princes, and states, in all matters, ecclesiastical as well as civil. *I should also have been for a clause against the continuance of domestic slavery, and for the support and encouragement of literature; as well as some other matters, though, perhaps, of less consequence.*

"Though the birth of the constitution is, in my opinion, premature, I shall, nevertheless, do all in my power to

nurse and keep it alive; being far from approving the Spartan law, which encouraged parents to destroy such of their children as, perhaps by some cross accident, might come into the world defective and misshapen."

From this letter, it is probable that the State of New-York was deprived, by Mr. Jay's absence, of the honour of setting the first example in America of the voluntary abolition of slavery. By this constitution, the right of suffrage was, in several instances, restricted to freeholders; it being a favourite maxim with Mr. Jay, that those who own the country ought to govern it.

The Convention, having now provided a constitution for the State, took measures for putting it into operation. For this, however, time was necessary. The governor and legislature were to be elected, and the various departments of government to be organized. The Convention was anxious to terminate its long and laborious session, but it was necessary to provide for the administration of the government in the interim; and for this purpose, it proceeded to appoint such judicial and other officers as were more immediately required by the actual situation of the State, who were to hold their offices till the new government was organized. Under this arrangement, Mr. Jay was appointed chief justice of the Supreme Court; and his friend, Robert R. Livingston, Esq., chancellor. By the new constitution, the judges of the Supreme Court were restrained from holding any other office than that of delegate to Congress on special occasions. As no such occasion existed at present, Mr. Jay's elevation to the bench vacated his commission as delegate.

To provide still further for the administration of government, the Convention appointed certain of their own members "a Council of Safety," and then dissolved. From the dissolution of the Convention in May till the meeting of the Legislature in September, Mr. Jay was almost constantly occupied in the Council of Safety, of which he was a member.

The council directed the military operations of the State ; exercised the power of life and death ; and in short, wielded an absolute sovereignty : but it was composed of men who possessed and merited the confidence of the people. The period was one of peril to the State of New-York. A British army had invaded it from the north, and Ticonderoga had fallen ; while another hostile army held the metropolis, and threatened the lower counties, and was preparing to form a junction with Burgoyne ; which, if effected, would subject the whole State to the British arms. At this crisis, too, the disaffected in all parts of the State were active in aiding the enemy, by raising troops, giving intelligence, and exciting conspiracies. In many instances, even the well-disposed were disheartened by the prospect before them, and despairing of a successful issue of the contest, began to think of accepting the pardon and protection offered by the proclamations of the British commanders. This was particularly the case in the county of Tryon (now Montgomery), and the Council of Safety addressed to them the following animating letter, written by Mr. Jay.

“ IN COUNCIL OF SAFETY.

“ *To the General Committee of Tryon County.*

“ Kingston, 22d July, 1777.

“ GENTLEMEN,

“ We have received your letter, and several others from different parts of your county, and are no less affected by the dangers than the fears of the people of Tryon. It is with the utmost concern that we hear of the universal panic, despair, and despondency which prevail throughout your county. We flattered ourselves that the approach of the enemy would have animated, and not depressed their spirits. What reason is there to expect that Heaven will help those who refuse to help themselves ; or that Providence will grant liberty to those who want courage to

defend it. Are the great duties they owe to themselves, their country, and posterity, so soon forgotten? Let not the history of the present glorious contest declare to future generations that the people of your county, after making the highest professions of zeal for the American cause, fled at the first appearance of danger, and behaved like women. This unmanly conduct gives us great concern. We feel too much for your honour and reputation not to be uneasy. Instead of supplicating the protection of your enemies, meet them with arms in your hands—make good your professions, and let not your attachment to freedom be manifested only in your words.

“We could scarcely have believed that a man among you would have thought of *protections* (as they are falsely called) from the enemy. Of what advantage have they been to the deluded wretches who accepted them in Jersey, New-York, Westchester, and Long Island? After being seduced from their duty to their country, they were plundered, robbed, cast into prison, treated as slaves, and abused in a manner almost too savage and cruel to be related. We ought to profit by the woful experience of others, and not with our eyes open run to destruction. Nor imagine you will remain unsupported in the hour of trial. We consider you as part of the State, and as equally entitled with other counties to the aid of the whole.”

After giving some orders for embodying the militia, the letter proceeded: “Let all differences among you cease. Let the only contest be, who shall be foremost in defending his country. Banish unmanly fear, acquit yourselves like men, and with firm confidence trust the event with that Almighty and benevolent Being who hath commanded you to hold fast the liberty with which he has made you free; and who is able as well as willing to support you in performing his orders. If you can prevail on your people to exert their own strength, all will be well. Let us again beseech and



entreat you, for the honour and reputation, as well as the safety of the State, to behave like men.”

To his friend Gouverneur Morris, Mr. Jay thus wrote respecting this county. “The situation of Tryon county is both shameful and deplorable. Such abject dejection and despondency as mark the letters we have received from thence, disgrace human nature. God knows what to do with or for them. Were they alone interested in their fate, I should be for leaving their cart in the slough till they would put their shoulder to the wheel.”

After the adoption of the constitution it became necessary to select a person for the office of governor of the State, and Mr. Jay was solicited to accept it. The following letter states the reason of his refusal.

“TO ABRAHAM YATES, JUN.

“16th May, 1777.

“DEAR SIR,

“From the information you was pleased to give me, before you left this place, that it would be proposed in the county of Albany to hold me up as candidate for the office of governor, I think it necessary to be very explicit on that subject. That the office of first magistrate of this State will be more respectable as well as more lucrative, and consequently more desirable, than the place I now fill, is very apparent. But, sir, my object in the course of the present great contest neither has been, nor will be, either rank or money. I am persuaded that I can be more useful to the State in the office I now hold than in the one alluded to, and therefore think it my duty to continue in it. You are acquainted with the reasons which induce me to be of this opinion; and although I entertain a high sense of the honour which my friends are disposed to confer upon me, I must request the favour of them not to encourage my being named as a candidate for that office, but to endeavour to

unite the votes of the electors in the county of Albany in favour of some other gentleman.

“ I am, dear sir,

“ Your most obedient and humble serv’t,

“ JOHN JAY.”

The fall of Ticonderoga excited universal clamour and suspicion, and was generally attributed to treachery or incapacity. As this important fortress was situated within the military department of General Schuyler, that faithful and vigilant officer was in public estimation held responsible for its disgraceful evacuation, although it occurred in his absence and without his knowledge. Mr. Jay’s knowledge of Schuyler’s character led him immediately to do him that justice which his country tardily awarded him, and his friendship prompted the following letters.

“ TO GENERAL SCHUYLER.

“ Kingston, 21st July, 1777.

“ DEAR SIR,

“ Your favour of the 14th inst. came safe to hand. I am happy to see so much cheerfulness diffused through it. I hope your sweet smiling genius won’t play the coquette. The confidential part of your letter shall remain secret. Putnam’s answer was cautious; he believed there was a fault somewhere, but neither excused nor accused anybody; nor did he take any notice of that part of our letter which respected you. This kind of reserve is not friendly. The evacuation of Ticonderoga continues to be the subject, not only of general speculation, but also of general censure and reproach. The public, not being furnished with the reasons for that measure, are left to form their own conjectures, and seem very universally to impute it to treachery and practice with the enemy; nor are the four generals alone the objects of suspicion; it reaches you.

“ It is unnecessary to observe, that like many other worthy

characters, you have your enemies ; and it is also true that countenance is indirectly given to the popular suspicions by persons from whom I should have expected more candour, or I may say more honesty.

“ It is said, but I know not with what truth, that Sinclair, on being asked by some of his officers why the fort was evacuated, replied generally, that he knew what he did ; that on his own account he was very easy about the matter, and that he had it in his power to justify himself. From hence some inferred that he must have alluded to orders from you.

“ Another report prevails, that some short time before the fort was left, a number of heavy cannon were by your order dismounted and laid aside, and small ones placed in their room. This is urged as circumstantial proof against you.

“ The ship-carpenters have come down, much dissatisfied and clamorous. In short, sir, that jealousy which ever prevails in civil wars, added to the disappointment and indignation which the people feel on this occasion, together with the malice of your enemies, require that the integrity and propriety of your conduct be rendered so evident, as that there may not be a hook or loop whereon to hang a doubt.

“ I forgot to mention that stress is also laid on your distance from the fort at the time of the enemy’s approach, and from this circumstance unfavourable conclusions are drawn.

“ Your friends in the mean time are not idle ; they argue that you would have been highly reprehensible, if you had, by being in a fort besieged, deprived the other parts of the department of your services and superintendence. That they are assured of your having neither ordered or been privy to the evacuation of the fort, &c. &c. &c. A clear, short, and authentic statement of facts can alone do the work ; while the people remain uninformed they will suspect the worst. I think the generals (who are *mortal* if honest)

ought to give you a certificate that Ticonderoga was left without your direction, advice, or knowledge ; and I submit to you whether it would not be expedient to write such a letter to the Council of Safety on this subject, as they could with propriety publish. I think it should not look like a defence, though it should amount to it. It should take no notice of accusations, and yet remove all grounds for them. Charges may be answered without seeming to know of any ; a defence more pointed and particular would give a certain degree of consequence even to calumny, and resemble an implied admission that there was apparent room for suspicion.

“ In one of your late letters to the council was this sentiment. ‘ You wished the evacuation might not be too much depreciated ;’ and your reasons for this caution may have weight ; but, sir, a certain gentleman at that board, whom I need not name, and from whom I do *not* desire this information should be concealed, is in my opinion your secret enemy. He professes much respect, &c. for you ; he can’t see through the business ; he wishes you had been nearer to the fort, though he does not doubt your spirit ; he thinks we ought to suspend our judgment, and not censure you rashly ; he hopes you will be able to justify yourself, &c. &c. Observe so much caution, therefore, in your letters, as to let them contain nothing which your enemies may wrest to their own purposes.

“ I must also inform you that the flying seals of your letters to General Washington often arrive there broken. That from the different colour of the wax, if not from the clumsy manner in which they are often put up by the secretaries, it can be no difficult matter for those who receive them to perceive that they have been inspected. I wish some other mode was devised.

“ Thus, sir, I have performed the unpleasing task of writing to you with much freedom on a very disagreeable

subject, and of acquainting you with facts that will give you pain, and put your equanimity to a trial.

"I won't apologize for the liberty I have taken, being persuaded that you will consider it as a proof of the regard with which I am, dear sir,

"Your friend and humble servant,

"JOHN JAY."

"TO GENERAL SCHUYLER.

"Kingston, 26th July, 1777.

"DEAR SIR,

"Your favour of the 24th instant, covering a letter from General St. Clair, was delivered to me this evening. I have sent the latter to the press; it will be printed entire. Extracts might be followed by suspicions. The malicious might remark, that parts were concealed which, if made known, would probably give a different colour to the whole. A number of Holt's papers shall be sent to you, and care taken to transmit others to Congress, to headquarters, to Peekskill, &c. I shall also request Loudon to reprint it.

"This attack on your reputation will, I hope, do you only a temporary injury. The honest though credulous multitude, when undeceived, will regret their giving way to suspicions which have led them to do you injustice.

"I have reason to suspect that the Council of Safety believed that Ticonderoga was left by your direction or advice, or with your knowledge. They appear fully satisfied of the contrary, and, in my opinion, St. Clair's letter will remove all doubts on that head.

"The propriety of appointing a committee to inquire into your conduct appears to me very questionable. Supposing it unexceptionable in point of delicacy with respect to you (which I by no means think it), yet as this Council and the late Convention have, on certain occasions, made your cause their own, your enemies would not fail to insinuate that the

proposed inquiry was a mere contrivance to give a favourable complexion to your conduct. Your readiness to submit to such an inquiry is no doubt a strong argument of innocence and conscious rectitude ; but whether it would not be assuming in the Council to propose it, and inconsistent with the dignity of your station to accede to it, are questions of importance. Besides, a proposition so apparently officious and out of their line might perhaps be maliciously ascribed to their apprehensions of mismanagement, and consequently cast weight in the scale against you.

“A temperate statement of facts, formed from the materials you mention, would doubtless set your conduct in its true point of view. Although a strict scrutiny may be eligible, yet how far it would be proper to *press* Congress to adopt that measure is worth consideration. The affairs of the northern department have lately engaged much of their time and attention. The evacuation of Ticonderoga will naturally bring about an inquiry. The country will not be satisfied without it. You will then have a fair opportunity of vindicating your conduct. The manner in which you account for the removal of the cannon mentioned in my letter is very satisfactory. Mr. Morris returned this afternoon. The Council were displeased with the last letter from him and Mr. Yates. They have passed a resolution declaring it disrespectful and unsatisfactory, and dissolved that committee. They have, nevertheless, joined Mr. Morris with me, and directed us to repair to head-quarters, to confer with his excellency on the state of your army, the means of reinforcing it, &c. We set out to-morrow. With the best wishes for your health and prosperity,

“I am, dear sir,

“Your friend and obt. servant,

“JOHN JAY.”

On the 1st of August, Congress recalled General Schuyler from the command of the northern army, and soon after

appointed General Gates in his room. By this measure, the suspicions that had attached to Schuyler were apparently countenanced by Congress; and he had moreover the mortification of seeing the laurels which had been reared by his care and labours plucked by another. Congress, however, had themselves no doubt of General Schuyler's patriotism and ability. The true but secret reason of his recall was stated at the time in a letter from Mr. Duane, then in Congress, to Mr. Jay. "General Schuyler, to humour the eastern people, who declare that their militia will not fight under his command, is recalled."

On the 9th of September, the first term of the Supreme Court of the State of New-York was held at Kingston, and the chief justice delivered the charge to the grand jury. Various considerations combined to render this event peculiarly interesting. A government venerable for its antiquity, and endeared to its subjects for the freedom and happiness it had conferred, had been renounced for its recent oppression and injustice, and a new government had just been established by the people, amid the tumult of arms and in the presence of a powerful and infuriated enemy. The success of the undertaking was still apparently dubious. The State of New-York was at the moment invaded by a formidable army at the north, under Burgoyne, who was approaching Albany, and had already reached the Hudson; while another army in the south was preparing to effect a junction with the first, and a few weeks after laid in ashes the very village in which the court was now assembled. At such a time and under such circumstances was the temple of justice, which had long been closed, reopened, and he who had been one of the earliest assertors of his country's rights was seen, full of faith and zeal, ministering at the altar. The late disasters on the frontiers, the invasion of the State, and the approach of the enemy threw no shades over the bright prospect of his country's glory and happiness, which, in prophetic vision, he saw rising before him.

“It affords me, gentlemen,” said the chief justice to the grand jury, “very sensible pleasure to congratulate you on the dawn of that free, mild, and equal government which now begins to rise and break from amid those clouds of anarchy, confusion, and licentiousness which the arbitrary and violent domination of Great Britain had spread in greater or less degrees throughout this and the other American States. This is one of those signal instances in which Divine Providence has made the tyranny of princes instrumental in breaking the chains of their subjects, and rendered the most inhuman designs productive of the best consequences to those against whom they were intended.

“The infatuated sovereign of Britain, forgetful that kings were the servants, not the proprietors, and ought to be the fathers, not the incendiaries of their people, hath, by destroying our former constitutions, enabled us to erect more eligible systems of government on their ruins ; and, by unwarrantable attempts to *bind us in all cases whatever*, has reduced us to the happy necessity of being *free from his control in any*.

“Whoever compares our present with our former constitution will find abundant reason to rejoice in the exchange, and readily admit that all the calamities incident to this war will be amply compensated by the many blessings flowing from this glorious revolution—a revolution which, in the whole course of its rise and progress, is distinguished by so many marks of the Divine favour and interposition, that no doubt can remain of its being finally accomplished.

“It was begun and has been supported in a manner so singular, and I may say miraculous, that when future ages shall read its history, they will be tempted to consider a great part of it as fabulous. What, among other things, can appear more unworthy of credit, than that, in an enlightened age, in a civilized and Christian country, in a nation so celebrated for humanity as well as love of liberty and justice as the English once justly were, a prince should



arise who, by the influence of corruption alone, should be able to seduce them into a combination to reduce three millions of his most loyal and affectionate subjects to absolute slavery, under pretence of a right, appertaining to God alone, of binding them in all cases whatever, not even excepting cases of conscience and religion?

“What can appear more improbable, although true, than that this prince and his people should obstinately steel their hearts and shut their ears against the most humble petitions and affectionate remonstrances, and unjustly determine, by violence and force, to execute designs which were reprobated by every principle of humanity, equity, gratitude, and policy? Will it not appear extraordinary that thirteen colonies, the object of their wicked designs, divided by variety of governments and manners, should immediately become one people, and, though without funds, without magazines, without disciplined troops, in the face of their enemies unanimously determine to be free, and, undaunted by the power of Britain, refer their cause to the justice of the Almighty, and resolve to repel force by force,—thereby presenting to the world an illustrious example of magnanimity and virtue scarcely to be paralleled? Will it not be matter of doubt and wonder, that notwithstanding these difficulties, they should raise armies, establish funds, carry on commerce, grow rich by the spoils of their enemies, and bid defiance to the armies of Britain, the mercenaries of Germany, and the savages of the wilderness? But, however incredible these things may in future appear, we know them to be true; and we should always remember, that the many remarkable and unexpected means and events by which our wants have been supplied and our enemies repelled or restrained, are such strong and striking proofs of the interposition of Heaven, that our having been hitherto delivered from the threatened bondage of Britain ought, like the emancipation of the Jews from Egyptian servitude, to be for ever ascribed to its true cause; and instead of swell-

ing our breasts with arrogant ideas of our power and importance, kindle in them a flame of gratitude and piety which may consume all remains of vice and irreligion.

“Blessed be God, the time will now never arrive when the prince of a country in another quarter of the globe will command your obedience, and hold you in vassalage. His consent has ceased to be necessary to enable you to enact laws essential to your welfare ; nor will you in future be subject to the imperious sway of rulers instructed to sacrifice your happiness whenever it might be inconsistent with the ambitious views of their royal master.”

The charge, after commenting upon several features of the new constitution, proceeded :—“ Adequate security is also given to the rights of conscience and private judgment. They are by nature subject to no control but that of the Deity, and in that free situation they are now left. Every man is permitted to consider, to adore, and to worship his Creator in the manner most agreeable to his conscience. No opinions are dictated, no rules of faith prescribed, no preference given to one sect to the prejudice of others. The constitution, however, has wisely declared, that the ‘liberty of conscience thereby granted shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.’ In a word, the Convention by whom that constitution was formed were of opinion that the gospel of Christ, like the ark of God, would not fall, though unsupported by the arm of flesh : and happy would it be for mankind if that opinion prevailed more generally.

“But let it be remembered that whatever marks of wisdom, experience, and patriotism there may be in your constitution, yet like the beautiful symmetry, the just proportion, and elegant forms of our first parents before their Maker breathed into them the breath of life, it is yet to be animated, and till then may indeed excite admiration, but will be of no use : from the people it must receive its spirit,

and by them be quickened. Let virtue, honour, the love of liberty and of science be and remain the soul of this constitution, and it will become the source of great and extensive happiness to this and future generations. Vice, ignorance, and want of vigilance will be the only enemies able to destroy it. Against these be for ever jealous.

"This, gentlemen, is the first court held under the authority of our constitution, and I hope its proceedings will be such as to merit the approbation of the friends, and avoid giving cause of censure to the enemies of the present establishment." The residue of the charge related to the peculiar duties of the jury.\*

Mr. Jay, being by his office one of a council to whom all bills were submitted before they could become laws, was obliged to attend the Legislature during the whole of its session. This attendance, together with his other official duties, occupied most of his time. His few leisure moments appear to have been devoted to his aged and surviving parent at Fishkill.

In the autumn of this year, while at Fishkill, Mr. Jay received a visit from General Washington, whose headquarters were at the time in the adjoining county of Westchester. The object of the visit was a confidential conversation on a plan then before Congress, for the invasion of Canada the ensuing campaign, by the combined forces of the United States and of France. They both concurred in disapproving of the plan. The general afterwards addressed a letter to Congress on the subject, in which he urged a variety of objections to the plan; but for obvious reasons omitted the one which had most weight in his mind, the probability that the French would insist on retaining

\* Mr. Jay, as we have already stated, was appointed chief justice by the Convention, and was to hold his office till the organization of the government under the new constitution. This event took place soon after the delivery of the charge, when he was duly reappointed under the constitution.

Canada if conquered by their aid, and the danger of permitting them thus to gain a footing on the frontier of the United States.

We have already remarked that the stern, uncompromising spirit displayed by Mr. Jay in his political opinions and measures arose from principle, and not from natural disposition. The two following letters are pleasing illustrations of this remark. The first was addressed to a gentleman of New-York, who had accepted a royal commission, and was then a prisoner of war in Hartford jail; the other to an old friend, who, from conscientious motives, had frankly espoused the royal cause, and was, in consequence, a prisoner on parole.

“TO COLONEL JAMES DE LANCEY.

“SIR,

“Notwithstanding the opposition of our sentiments and conduct relative to the present contest, the friendship which subsisted between us is not forgotten; nor will the good offices formerly done by yourself and family cease to excite my gratitude.

“How far your situation may be comfortable and easy, I know not: it is my wish, and shall be my endeavour, that it be as much so as may be consistent with the interest of that great cause to which I have devoted every thing I hold dear in this world. I have taken the liberty of requesting Mr. Samuel Broome immediately to advance you one hundred dollars on my account.

“Your not having heard from me sooner was unavoidable. A line by the first opportunity will oblige me. Be explicit, and avail yourself without hesitation of the friendship which was entertained as well as professed for you by

“Your obedient and humble servant,

“JOHN JAY.

“Poughkeepsie, 2d Jan., 1778.”

“ TO PETER VAN SCHAACK.

“ Poughkeepsie, 26th June, 1778.

“ DEAR SIR,

“ It is but three days since your favour of the 3d instant was delivered to me. A fair wind, good company, the prospect of a short passage, and thereby avoiding the fatigue and inconvenience of a journey by land, induced me to return from Albany by water. The letter you mention to have written on the subject of a pass, &c. has never come to hand. On conversing with the governor yesterday on that subject, he told me, he lately had the pleasure of seeing you, and had settled that matter to your satisfaction.

“ I am of the number of those who think exercise and change of air and company essential to your health. I might add a third requisite, a mind at ease. The two first conduce to the other. Misfortunes, and severe ones, have been your lot. The reflection that they happened in the course of a providence that errs not, has consolation in it. I fear too that your sensibility is wounded by other circumstances; but these are wounds not to be probed in a letter. Could we now and then smoke a few pipes together, you would perhaps be in a better humour with many things in the world than, I think, you now are. I suspect your imagination colours high, and shades too deep. But more of this another time.

“ You mistake me much, if you suppose the frequency of your letters or applications troublesome to me. I assure you, it would give me pleasure were opportunities of being useful to you more frequent than either. When you were last here, fourteen miles more would have carried you to Fishkill. That little ride would have been a gratification to me, and not unpleasant to you. What detained you? Was you not sure I would be glad to see you? God bless you, and give you health.

“ I am, dear Peter,

“ Affectionately, yours, &c.

“ JOHN JAY.”

The present State of Vermont is composed of territory that was claimed by the States of New-York and New-Hampshire. The people of this territory availed themselves of the opportunity afforded by the war of withdrawing from the jurisdiction of these States, and establishing a separate and independent government. New-York and New-Hampshire both claimed the interposition of Congress to restore to them their territory. Mr. Jay, as a judge of the Supreme Court, was restrained by the Constitution from holding any other office, except that of delegate to Congress on a *special occasion*. The Legislature, however, were anxious that he should again represent the State in Congress; and the claims of Vermont afforded them a constitutional opportunity of gratifying their wishes. Accordingly, on the 10th of November, they voted that a special occasion now existed, and thereupon elected the chief justice a delegate, without vacating his seat on the bench.

On the 7th December, Mr. Jay returned to Congress, after an absence of more than two years. He was received as an old and valued friend, and three days after, on the resignation of Mr. Lawrence, was elected president.

The state of public affairs allowed Congress no recess; and Mr. Jay, probably thinking his prolonged residence at Philadelphia inconsistent with his duties as chief justice, sent his resignation of that office to the governor of New-York. The governor, unwilling to receive it, requested him to recall it; but he adhered to the resolution he had taken. In his letter to the governor, he remarks:—"The Legislature may, perhaps, in consequence of this step, be inclined to keep me here. On this head I must inform you that the situation of my father's family is such that I can no longer reconcile it to my ideas of filial duty to be absent from them, unless my brother should be so circumstanced as to pay them the necessary attention." He at the same time wrote to his brother.

“Philadelphia, 16th Sept. 1779.

“DEAR FREDERICK,

“I am now to inform you that I have resigned the office of chief justice ; and if the State should incline to keep me here, I shall consent to stay, provided either you or Sir James will undertake to attend constantly to our good old father and his unfortunate family : otherwise I shall at all events return for that purpose. Sir James has his doubts respecting his future destination ; and therefore his return is precarious at present. I wish to know, without delay, the result of your reflections on this subject. Should you succeed with Wadsworth, I think you would then be in capacity to serve them as well as ever : if you live on Harris’s farm, you will not. Make up your mind on this matter : if you find you cannot pay necessary attention to Fishkill, prevent my election, and let me know your intention by the first opportunity.

“I am, dear Frædy,

“Your affectionate brother,

“JOHN JAY.”

Happily, such arrangements were made as relieved him from the necessity of sacrificing his public to his filial duties.

The state of the public credit and the depreciation of the currency had now become so alarming, that Congress found it necessary to take some measures for maintaining the one, and arresting the progress of the other. To this end, they resolved to fix a limit to their future emissions of paper money, and to call on the States to furnish the funds necessary for prosecuting the war. To add greater weight to their recommendations, they determined to address a letter to the States, portraying the exigencies of the times, and explaining the necessity and importance of the contemplated measures. Instead of appointing a committee to draft this

letter, they took the unusual course of requesting their president to perform this duty. Mr. Jay acceded to the request, and in a few days submitted a letter, which was unanimously approved. Few documents of the old Congress are more distinguished for perspicuity, eloquence, and patriotism than this letter.\*

Mr. Jay, having been in a manner specially charged by the Legislature with its controversy with Vermont, prepared and carried in Congress certain resolutions on that subject, which he transmitted to the Legislature, with the following explanatory letter to the governor—a letter that derives interest from its connexion with the early history of a State now an important member of the American confederacy.

“ TO GOVERNOR CLINTON.

“ Philadelphia, 25th Sept., 1779.

“ DEAR SIR,

“ Whether the resolutions of Congress of the 24th inst., providing for the settlement of all disputes between New-York and her neighbours, as well as revolted citizens, will please my constituents as much as they do me is uncertain. Nor am I convinced of the prudence of committing to paper all the reasons which induce me to think them (all circumstances considered) perfectly right. Some of them, however, I shall communicate. My first object on coming here was to prevail upon Congress to interpose, though in the smallest degree ; well knowing, that if they once interfered ever so little, they might with more ease be led to a further and more effectual interposition.

“ Soon after my arrival, I found the following objections to an interference with Vermont generally prevailing.

“ 1st. That Congress, being instituted for the sole purpose of opposing the tyranny of Britain, and afterward of estab-

\* See Appendix.



lishing our independence, had no authority to interfere in the particular quarrels of any State. Hence all their former resolutions on the subject were merely negative. 2d. That the confederation had not yet taken place, and that the business should be postponed till all the States had acceded; an event then daily expected. 3d. That it was an improper season to interfere, and that the attention of Congress ought not to be diverted from the general objects of the war. 4th. That harsh measures against Vermont might induce them to join the enemy and increase their force. 5th. That they possessed a strong country, were numerous, warlike, and determined; and that more force would be required to reduce them, than could be spared from the general defence.

“These were some of the ostensible objections. Besides which I had reason to suspect the following private ones.

“1st. That divers persons of some consequence in Congress and New-England expected to advance their fortunes by lands in Vermont. 2d. That Vermont, acquiring strength by time, would become actually independent, and afterward acknowledged to be so. 3d. That being settled by New-England people, and raised into consequence by New-England politics, it would be a fifth New-England State, and become a valuable accession of strength both in and out of Congress. 4th. That ancient animosities between New-York and New-England naturally inclining the former to side with the middle and southern States, the less formidable she was the better, and therefore the loss or separation of that territory was rather to be wished for than opposed. These and many other considerations of the like nature induced me to postpone bringing on the matter till I could have an opportunity of preparing the way for it by acquiring a knowledge of the characters then in Congress, &c.

“It is also proper to observe that the House was for the greater part of the winter so heated by divisions on points

of great general importance, that it would have been improper and imprudent to have called upon them to decide on this delicate business till more temper and calmness had taken place. When these began to appear the subject was introduced, and you have had a copy of the resolutions proposed by New-York on that occasion. Against them all objections before mentioned operated, with this additional one, that it would be highly unjust and impolitic to determine against Vermont, without previous inquiry into the merits of their claims, and giving them an opportunity of being heard. This objection, so far as it respected their claim to independence, was absurd though plausible ; but it was not to be overcome ; and though we might have carried a resolution against it by a slender majority, that majority would have consisted of southern members against a violent opposition from New-England and their adherents. A resolution carried under such circumstances would rather have encouraged than disheartened Vermont, and was, therefore, ineligible.

“Hence I conceived it to be expedient to promote the measure of appointing a committee of inquiry ; knowing that if Congress proceeded to inquire, it would be a ground for pressing them to go further and determine ; especially as I was apprized that the result of these inquiries would be in our favour.

“The committee, you know, never had a formal meeting ; it nevertheless had its use. The individual reports of the members who composed it advanced our cause ; and even Mr. Witherspoon, who was and is suspected by New-York, made representations in our favour.

“Your last resolutions were of infinite service, by evincing the moderation, justice, and liberality, and at the same time the spirit of the State. On the other hand, the law of Vermont for whipping, cropping, and branding your magistrates made an impression greatly to their disadvantage. Before these emotions should have time to subside,

as well in observance of our instructions, I pressed Congress from day to day to adopt such measures as the public exigencies called for, and thereby prevent the flames of civil war from raging. It would not, I believe, have been difficult to have obtained what some among you would call very spirited and pointed resolutions, but which, in my opinion, would have been very imprudent ones; because, among other reasons, they would not have been unanimous. You will find the recitals and particular resolutions numbered in the margin of the copy herewith enclosed, from 1 to 13. I shall trouble you with a few explanatory remarks on each of them, under heads numbered in like manner.

“1st and 2d. These recitals were inserted to show the reason why Congress now proceed without the report of the committee, after having resolved to postpone the further consideration of the subject till their report should be made.

“3d. This recital justifies the facts set forth in your representations, and in case an appeal to the public should become necessary, may be used with advantage to New-York.

“4th. This recital destroys the doctrine that the Union (independent of the articles of confederation) had no other object than security against foreign invasions.

“5th. This recital is calculated to impress the people with an opinion of the reasonableness and policy of the requisition or recommendation which follows, and therefore will the more readily induce those States to adopt the measures recommended to them.

“6th. You may inquire for what reason I consented to this recital, as it puts Massachusetts and New-Hampshire on a footing with New-York; whereas I well knew that New-York alone had a right to claim jurisdiction over Vermont. My reasons were these: Vermont extends over Connecticut River into the acknowledged jurisdiction

of New-Hampshire: as to Massachusetts, the recital admits only her *claims*, not her *title*; and it is as impossible to deny the existence of claims when made, as it is to prevent them. Their delegates pointedly asserted and insisted on the claim of Massachusetts; and it appeared to me expedient to provide for a speedy determination of all claims against us, however ill founded. You may further ask, Why Vermont is made a party? the reason is this: that by being allowed a hearing, the candour and moderation of Congress may be rescued from aspersions; and that these people, after having been fully heard, may have nothing to say or complain of, in case the decision of Congress be against them; of which I have no doubt.

“7th. It is true, that by this resolution the merits of former settlements with these States will be again the subject of inquiry, discussion, and decision; and therefore it may at first sight appear improper; but these settlements will still remain strong evidence of our rights, however objectionable they may be represented to be by those States. Nor will Congress be easily prevailed upon to annul them, because in that case all their boundaries would be afloat. Besides, in my opinion, it is much better for New-York to gain a permanent peace with their neighbours by submitting to these inconveniences, than by an impolitic adherence to strict rights, and a rigid observance of the dictates of dignity and pride, remain exposed to perpetual dissensions and encroachment. Peace and established boundaries, under our circumstances, are, I think, almost inestimable.

“8th. The reason of this is assigned in the last sentence under the 6th head.

“9th. For the same purpose of preserving the appearance of equality in claims, whatever difference there may be in titles, the three States are mentioned in this recommendation. The object of it is a settlement of all disputes respecting interfering grants, in case Vermont should be

abolished, and that district in part, or in the whole, adjudged to either of the three States.

“10th. I am sure you will admit my prudence in giving your voice for this resolution.

“11th. As it was not absolutely certain that New-Hampshire and Massachusetts would pass the laws in question, and as I was sure that New-York would, it appeared to me highly expedient to provide, by this resolution, that the dispute between New-York and Vermont should be determined, whether the other two States came in or no : and, lest the former guarantee contained in the 10th resolution might be construed to be contingent, and to depend on the event of all the three States adopting the measures recommended to them, it is here repeated. You will observe that neither of the three States are to vote on the decision.

“12th. On the plan of hearing Vermont, this resolution, however inconvenient, became indispensable. Care, however, has been taken in it to exempt all persons from their jurisdiction who profess allegiance to either of the three States. But you will say, Why to the *three* States ? Why not to New-York only ; from whom they revolted, and under whose actual jurisdiction they last were ? Because it would have clashed with the equality of claims before mentioned, and the least opposition to which would have prevented these resolutions from being unanimous ; a circumstance, in my opinion, infinitely more valuable than the preservation of useless etiquette. And, further, because the district is here so described as to extend over the river and affect New-Hampshire. In a word, the necessity of the resolution was so obvious that there was no avoiding it. These inconveniences will be temporary, and, if the principles laid down in it are observed, will not be very great ; especially as Congress have determined a violation of it to be a breach of the peace of the confederacy, and have declared their resolution to maintain it.

“13th. This resolution needs no comment, the policy and justice of it being extremely evident. Anxious to avoid a moment’s delay in sending you these resolutions, I have not time by this opportunity of adding any thing further than that upon this occasion I have acted according to the best of my judgment, after having maturely considered and well weighed the force and tendency of every consideration and circumstance affecting the business in question. When I first received my special commission, I did not apprehend that this matter was in a more particular manner confided to me than to my colleagues, though some of them considered it in that light. The commission vested me with no further power than what any other of your delegates possessed; nor was any matter given more particularly in charge to me than to the others by the Legislature. Their late instructions, however, speak a different language. I am satisfied to be viewed in that light, that is, to be the responsible man; and, provided the measures I adopt are not thwarted, I am confident that I shall be able to bring all these matters to a happy conclusion. I hope, however, that this will not be considered as a hint for my being continued in the delegation; I assure you, nothing but an adherence to the resolutions and principles of action I adopted and professed at the commencement of the war would induce me to remain here at the expense of health as well as property; for though I shall always be ready to serve my country when called upon, I shall always be happy to find it consistent with my duty to remain a private citizen.

“I am, sir,

“Your most obedient servant,

“JOHN JAY.”

By a secret article annexed to the treaty between France and the United States, a right was reserved to Spain of acceding to the treaty, and participating in its

stipulations whenever she might think proper. Congress, being desirous of strengthening their foreign alliances, deemed it advisable to invite his Catholic majesty to avail himself of the provisions of this article; and for this purpose resolved to send a minister plenipotentiary to Spain. On the 27th of September, Mr. Jay was selected by Congress for this important mission. On receiving this appointment, he of course resigned the chair, which he had filled with such devotion to the public service, that he had not absented himself from Congress in a single instance since the preceding December.

---

## CHAPTER IV.

Extracts from Mr. Jay's History of his Spanish Mission.

MR. JAY, while in Spain, commenced a very particular history of his mission; but probably never completed it, as only a few of the first pages of it have been found among his papers. Some extracts from these pages will form an appropriate introduction to an account of his negotiations with the Spanish government.

"I have long been convinced that human fame was a bubble which, whether swelled by the breath of the wise, the good, the ignorant, or malicious, must burst with the globe we inhabit. I am not among the number of those who give it a place among the motives of their actions. Neither courting nor dreading the public opinion on the one hand, nor disregarding it on the other, I joined myself to the first assertors of the American cause, because I thought it my duty; and because I considered caution and neutrality, however secure, as being no less wrong than dishonourable.

The same principles which then committed me to the disposal of my fellow-citizens demand that as I have the best opportunities of knowing, so I should transmit to posterity the memory of their political transactions with this kingdom, and thereby prevent their being misguided by representations founded on conjecture and partial information.

“America exhibits a new spectacle to the political world, and is rising to empire and greatness in a manner so singular as to render her steps interesting to all mankind, and especially to the people of that country.

“I shall confine myself to a plain narrative of facts, and they shall be told with such scrupulous adherence to truth and impartiality, as that my last moments shall not be embittered by the reflection that I had permitted my pen to stray from the lines of veracity or justice.

“It is necessary that this narrative should comprise the transactions of two periods, viz., 1st. those which were prior, and 2d. those which were subsequent, to my arrival in Spain. Those which were prior to my arrival in Spain should all be distinguished by two periods, viz., those which preceded my appointment, and those which intervened between it and my arrival. I shall begin with those which happened prior to my appointment.

“The treaties of alliance and commerce between America and France were concluded in February, 1778; a secret article was at the same time entered into, which, as it has since become very generally known, I shall insert.”

The article here inserted was the one which reserved to Spain the right of becoming a party to the treaty.

“On the                      day of                      following, Congress were pleased to commission Arthur Lee, Esq., to enter into these treaties and discussions with the court of Spain.

\*                      \*                      \*                      \*                      \*                      \*                      \*

“The court of Spain, previous to her declaring war with Britain, furnished considerable aids to America; which were transported thither by the house of Gardoqui and



Sons at Bilboa. The supplies were shipped under Mr. Lee's directions; and though regular invoices of the cargoes were transmitted by him to Congress, yet, when I left it, that body remained much in the dark as to the sums advanced for their use by Spain.

\* \* \* \* \*

"It is proper to observe that Mr. Deane, in consequence of his recall, returned to America in 1778; and that on his arrival Congress went into an inquiry into his conduct. Mr. Deane published a paper in the Philadelphia Gazette, containing strictures on the delays of Congress respecting his affairs, and heavy accusations against Mr. Arthur Lee, to whose machinations he attributed the conduct of Congress towards him. This publication caused a ferment throughout America, and very great heats in Congress. The public papers teemed with publications for and against Mr. Deane and Mr. Lee. Among the writers for the latter was a Thomas Paine, an Englishman, who had been a hackney writer in London, and on his arrival in America was employed by Aikin in compiling and correcting papers for his Magazine. In this capacity his attachment to the American cause became suspected. He struck out several passages in papers composed by Dr. Witherspoon, as being too free. He afterward became attached to some leading men who were most zealous for American independence. He published a pamphlet on that subject, called Common Sense, and obtained much credit with the people for it. He was afterward made secretary to the Committee for Foreign Affairs; and when General Washington was retreating before the enemy in Jersey, and the minds of many were filled with apprehensions, he was again so suspected as that Congress became uneasy lest the committee's papers in his custody should fall into the enemy's hands, and took their measures accordingly. The success at Trenton gave things a new aspect, and new courage to Paine.

"On the present occasion his zeal for his employers car-

ried him too far. The official papers had brought him acquainted with the state of American affairs at Versailles; and in his paper of the 2d January he very imprudently inserted the following paragraph:—‘If Mr. Deane, or any other gentleman, will procure an order from Congress to inspect an account in my office, or any of Mr. Deane’s friends in Congress will take the trouble of coming themselves, I will give him or them my attendance, and show them in a handwriting which Mr. Deane is well acquainted with, that the supplies he so pompously plumes himself upon *were promised and engaged*, and that *as a present*, before he even arrived in France,’ &c.

“The minister of France, Mr. Gerard, being aware of the consequences which would result from these assertions, and feeling very sensibly how much the honour of France was wounded by a supposition of her having given gratuitous aid to America, contrary to her assurances to Britain, did, on the 5th of January, 1779, present a memorial to Congress referring to this publication, denying the assertions they contained, and representing the propriety of their being disowned by Congress. The day following, the memorial was considered, and various debates, not proper to be specified here, ensued. Paine and the printer were ordered to attend at the bar of the House. The former confessed himself the author, and the latter the publisher of the papers in question. Many motions were made, debated, and rejected before the House adopted the resolutions which finally took place. The subject was interesting to the public, to the House, and particularly to the friends of the parties in difference, as well as Mr. Paine’s patrons; and, as is always the case on such occasions, more warmth than prudence took place. The majority, however, were of opinion, that Paine had prostituted his office to party purposes, and therefore ought to be discharged. This did not long remain a secret to him, and to avoid that disgrace he resigned.

“Mr. Gerard had before intimated to Congress the pro-

priety of their taking speedy measures for drawing Spain into the general cause. He often enlarged on the policy and objects of that court, one of which was to regain the Floridas, and to become possessed of the exclusive navigation of the Gulf of Mexico and, of course, the Mississippi. He said he was confident that if these were ceded to her, it would not be difficult to induce her to join us; and especially as the Family Compact, and the refusal of Britain to accept her mediation, would afford a good pretext. He further insinuated, that we might reasonably expect to obtain from that court a considerable sum of money, which, considering the state of our finances, was a desirable object.

“Though Congress were desirous of an alliance with Spain, and ready to take measures for the purpose, yet whom to employ became a serious question. Mr. Lee’s connexions insisted that he ought to be the man; while others, who had neither a predilection for nor aversion to him, thought it inexpedient to commit that business to one respecting whom America at present entertained doubts, and who had become disagreeable to France, and, consequently, in a certain degree, so to Spain. By these unfortunate circumstances nearly a year was wasted in fruitless altercation, and the opportunity of obtaining loans from Spain lost, by her having entered into the war, and having occasion for all her money to defray the expense of it.

“Some time prior to my appointment to Spain, suspicions of it prevailed, and both Mr. Gerard and Mr. Miralles expressed much satisfaction at the prospect of that event. On my coming to Congress in the fall of 1778, and constantly after, both Mr. Gerard and Mr. Miralles, the Spanish agent, had shown me every mark of civility and attention, though I have reason to think that both of them entertained higher opinions of my docility than were well founded.

“As a member of Congress, it appeared to me very improper to make their proceedings the topic of conversation

out of doors ; and I made it an invariable rule not to speak of their debates, or of any matters before them, to any who were not members. Mr. Gerard used very frequently to spend an evening with me, and sometimes sat up very late. As the evening advanced, he often became more open, and spoke without reserve on the subject of the views of Spain, and the interest of America with respect to her. He pressed our quitting to her the Floridas and Mississippi as indispensable prerequisites to a treaty, and urged a variety of reasons to support his opinions ; disclaiming, at the same time, his having any instructions on that head, and intimating that his friendship for the United States was his sole motive to declaring his opinion at any time relative to her concerns.

“ I soon found that he conversed in like manner with many others, and that he was seriously endeavouring to carry these points in Congress.

“ I was early convinced that provided we could obtain independence and a speedy peace, we could not justify protracting the war, and hazarding the event of it, for the sake of conquering the Floridas, to which we had no title, or retaining the navigation of the Mississippi, which we should not want this age, and of which we might probably acquire a partial use with the consent of Spain. It was therefore my opinion that we should quit all claim to the Floridas, and grant Spain the navigation of her river below our territories, on her giving us a convenient free port on it, under regulations to be specified in a treaty, provided they would acknowledge our independence, defend it with their arms, and grant us either a proper sum of money, or an annual subsidy for a certain number of years. Such, then, was the situation of things as to induce me to think that a conduct so decided and spirited on the part of Spain would speedily bring about a peace, and that Great Britain, rather than hazard the loss of Canada, Nova Scotia, and the islands by continuing the war, would yield the Floridas to Spain, and independence to us. But when Spain afterwards

declared war for objects that did not include ours, and in a manner not very civil to our independence, I became persuaded that we ought not to cede to her any of our rights, and of course that we should retain and insist upon our right to the navigation of the Mississippi.”

---

## CHAPTER V.

1779-81.

Mr. Jay sails for France in an American Frigate—Shipwreck of the Frigate—She reaches Martinico—Mr. Jay re-embarks in a French Frigate—Lands at Cadiz—Proceeds to Madrid—Embarrassed by Bills drawn on him by Congress—Negotiates with Spanish Government—His Opinion of New-York Confiscation Act—Correspondence with Mr. Deane—Instructed to surrender the Navigation of the Mississippi—Appointed Commissioner to negotiate Peace—Disapproves of the Instructions accompanying his Commission—History of those Instructions—Duplicity of Spanish Court—Bills on Mr. Jay protested—He goes to Paris—His Indignation at the Conduct of Mr. Deane.

CONGRESS having ordered their own frigate the *Confederacy*, to carry Mr. Gerard the French minister home, it was agreed that Mr. Jay should proceed on his mission in the same vessel. The lateness of the season and the public exigencies forbade all unnecessary delay. Mrs. Jay happened to be at Philadelphia when Mr. Jay was appointed, and the time fixed for the sailing of the frigate allowed her no time to receive the parting benedictions of her parents, except in their letters. Mr. Jay likewise was denied the satisfaction of taking leave, in person, of most of his friends and relatives. He received his instructions on the 16th October, and four days after he left his country, to

advocate her cause in Europe ; nor did he again land on her shores till he had placed his signature to a treaty, securing to her the blessings of peace and independence. He was accompanied by his brother-in-law, Col. Livingston, afterwards a judge of the Supreme Court of the United States, as his private, and by Mr. Carmichael, a member of Congress, as his public secretary.

The following extracts from a letter written by Mrs. Jay to her mother will not, it is hoped, be read with less interest for the personal feelings they depict.

“ On board of the *Confederacy*, 12th December, 1779.

“ About 4 o'clock in the morning of the 7th November, we were alarmed by an unusual noise upon deck, and what particularly surprised me was the lamentations of persons in distress. I called upon the captain to inform me of the cause of the confusion that I imagined to prevail ; but my brother desired me to remain perfectly composed, for that he had been upon deck but half an hour before, and left every thing in perfect security.

“ Perfect security ! vain words ! . Don't you think so ? And so indeed they proved ; for in that small space of time we had been deprived of nothing less than our bowsprit, foremast, main-mast, and mizen-mast : so that we were in an awkward situation, rendered still more so by a pretty high south-east wind, and a very rough sea. However, our misfortunes were only begun. The injury received by our rudder the next morning served to complete them, as we were ready to conclude. The groans that distressed me were uttered by two men who had suffered from the fall of the masts ; one of them was much bruised, and the other had his arm and hand broken : the former recovered, but the latter, poor fellow ! survived not many days the amputation of his arm.

“ Will it not be painful to my dear mamma to imagine to herself the situation of her children at that time ? Her

children did I say? Rather let her imagine the dangerous situation of more than three hundred souls, tossed about in the midst of the ocean in a vessel dismasted and under no command, at a season too that threatened approaching inclemency of weather. And would you for a moment suppose me capable of regretting that I had for a time bid adieu to my native land, in order to accompany my beloved friend? Would you have despaired of ever embracing your affectionate children? or would you have again recommended them to HIM who appointed to the waters their bounds—who saith unto the waves thus far shalt thou go, and to the winds, peace, be still? Mamma's known piety and fortitude sufficiently suggest the answer to the two latter queries; and to the former it becomes me to reply. I assure you that in no period of our distress, though ever so alarming, did I once repine, but incited by his amiable example, I gave fear to the winds, and cheerfully resigned myself to the disposal of the ALMIGHTY.

“After our misfortunes of the 7th and 8th of November (the memorable era from which we now date all events relative to ourselves), a council of the officers was held to consider where it was most expedient to bend our course. It was unanimously concluded that it would be impossible to reach Europe at this season with a ship in the condition that ours was. They were likewise united in opinion that the southern direction was the only one that offered a prospect of safety; and of the islands, Martinico was the most eligible, for its commodious harbour, and the probability of being supplied with materials to refit. Accordingly, the first fair wind that offered (which was not till near three weeks from the above-mentioned era), was embraced in pursuance of the advice given by the officers; and, after having passed through very squally latitudes, we are now in smooth seas, having the advantage of trade-winds which blow directly for the islands; nor are we, if the calculations

made are just, more than 220 miles distant from the destined port."

The situation of the frigate was in truth exceedingly critical, and afforded the passengers the distressing assurance that a storm would prove fatal to them, and that the first hostile cruiser that met them would carry them prisoners to England. The wind and the swell continued so high, that nearly a fortnight elapsed before the vessel could be tolerably navigated by means of temporary masts, constructed with spars. Most of the sails had been lost with the masts, and those which remained, having been made of damaged canvass, were continually splitting. The ship was moreover leaky, and the bread damaged by sea water. The frigate at last reached Martinico on the 18th of December. The feelings excited by the sudden transition from danger to safety, and from the privations of such a voyage to the comforts and hospitalities of a refined and generous society, may be readily imagined.

In approaching Martinico, Mr. Jay was unconsciously exposed to very imminent danger. Shortly before their arrival, it was a subject of discussion on board whether they should make for St. Pierre on the north, or Port Royal on the south side of the island. Providentially, the former course was adopted; and the very day the Confederacy anchored at St. Pierre, a fleet of six English ships of the line captured nine French merchantmen off Port Royal. Had the frigate steered for that port, her capture would have been inevitable, and Mr. Jay's mission would have terminated in the Tower of London. No time was lost by the American minister in procuring a conveyance to Europe. He embarked for Toulon on the 28th of December, only ten days after his arrival, in the French frigate *Aurora*, which the governor of Martinico politely ordered on this service.



## "JOHN JAY TO THE PRESIDENT OF CONGRESS.

" Martinico, St. Pierre, 25th Dec. 1779.

" SIR,

" I have done what, perhaps, I shall be blamed for ; but my pride as an American, and my feelings as a man, were not on this occasion to be resisted. The officers of the Confederacy were here without money, or the means of getting any. The idea of our officers being obliged to sneak, as they phrase it, from the company of French officers for fear of running in debt with them for a bottle of wine, or a bowl of punch, because not able to pay for their share of the reckoning, was too humiliating to be tolerable, and too destructive to that pride and opinion of independent equality which I wish to see influence all our officers. Besides, some of them wanted necessaries too much to be comfortable, or in this country, decent. In a word, I have drawn on the fund pointed out for the payment of part of my salary, for one hundred guineas in their favour, to be divided among them according to their respective ranks. Indeed, it would have given me pleasure to have done something towards covering the nakedness of the crew, but the expense I have been put to by coming here, and the preparations for another voyage would not admit of it.

" I have the honour to be, sir,

" With great esteem and personal regard,

" Your excellency's most obedient and humble servant,

" JOHN JAY."

The *Aurora* frigate arrived at Cadiz the 22d of January, 1780, after a prosperous voyage, but one not unattended with danger, as she was chased by a British man-of-war, and cleared for action. She fortunately outsailed her pursuer, and put into Cadiz for intelligence, when it was ascertained that the naval superiority of the enemy in the

Mediterranean was so great as to render it unsafe for her to proceed to Toulon.

This unexpected termination of the voyage proved not a little embarrassing to Mr. Jay, who found himself at Cadiz not only an entire stranger, but without letters of introduction, or bills of credit. He, however, soon acquired the good will, and experienced the friendly offices of many gentlemen in Cadiz, and was treated with marked attention and hospitality.

He was particularly indebted to the kindness of Count O'Reilly, the governor-general of Andalusia. This gentleman invited him to his house at Port St. Mary's, and behaved to him, not only with the utmost cordiality, but with an openness very remarkable in an experienced courtier. He gave him a confidential account of the politics of the court, and of the personal characters of those who composed it, not excepting the king himself; an account which Mr. Jay afterward found to be perfectly accurate, and from which he derived advantages. His sense of the jealous temper of the court was evinced by his parting address to Mr. Jay.

"You feel, I perceive," said he, "grateful for the civilities I have had the pleasure to show you, and upon your arrival at Madrid you will perhaps think it proper to write and thank me for them. Be pleased to do no such thing. Let there be no correspondence between us. Should you wish to make any communication to me, mention it verbally to my friend the Count D'Yranda. I shall hear it from him."

On the fourth day after he had landed, Mr. Jay despatched his secretary to Madrid, with a letter for the Spanish minister, acquainting him with the commission with which he was charged. An answer was returned, inviting him to go to Madrid, but intimating that it was expected he would not assume a formal character, which must depend on a future acknowledgment and treaty.

Mr. Jay was thus led to perceive, at the very outset of his negotiation, that the acknowledgment of American independence by Spain would, on her part, be a matter of bargain, and that she expected to be paid for admitting an indisputable fact. He, however, lost no time in repairing to Madrid; and, in doing so, encountered all the delay and inconveniences incident to Spanish travelling.

On his arrival at Madrid, he discovered no disposition in the Spanish government to enter into negotiations with him, and he remarked, soon after, in a letter to a friend, "Pains were taken to prevent any conduct towards me that might savour of an admission or knowledge of American independence. Considering the object of our treaty with France, I thought this extraordinary. I do not, however, ascribe it to any malevolence with respect to us, but merely to a design in the French ambassador, or his instructions, so to manage the proposed treaties as that both Spain and America may hold themselves indebted for the attainment of their respective objects to the good offices of their common ally. I have too much confidence in our friends the French, to believe they wish to keep Spain and America longer asunder, although a design of squeezing a little reputation out of the business may embarrass the measures for a junction."

Shortly after Mr. Jay's departure from America, Congress adopted a measure that was prompted rather by the exigencies of the country than by any sound principles of policy. As one expedient for raising money for present necessities, they ordered bills to be drawn on Mr. Jay for more than half a million of dollars, payable six months after sight, in the hope that before that time he would have obtained a subsidy from the Spanish court. With these bills supplies were purchased for the army, and the holders sent them to their European correspondents, who presented them to Mr. Jay for payment. That Congress should have ventured on such a measure, not only without knowing that Mr. Jay could procure money

in Spain, but even before they had heard of his arrival there, proves the desperate situation of their finances at this period of the revolution, and their conviction that the means of continuing the contest were to be provided for at every hazard. Similar bills were drawn upon Mr. Laurens, who had sailed as American minister for Holland; and unfortunately they arrived before the minister, who, being captured by a British cruiser, was consigned to the Tower of London.

Mr. Jay, on receiving notice of this order of Congress, represented it to the Spanish minister as an evidence of the high opinion entertained in the United States of both the resources and the friendly disposition of Spain. This novel compliment does not appear to have been very graciously received. The minister neither promised nor refused to provide for the payment of the bills; but an offer of about half a million was made, on condition that Congress would furnish Spain with ships of war to that amount. This proposition, which if faithfully executed could have benefited Spain alone, was of course promptly rejected. Mr. Jay was then given to understand, that the claims of the United States to the navigation of the Mississippi prevented the formation of a treaty with them.

Before long, the expected but dreaded bills began to arrive, and were duly presented for acceptance. As the minister kept himself uncommitted, the American envoy was reduced to the humiliating necessity, whenever a bill was presented to him, to apply to the court for leave to accept it, or, in other words, to solicit the Spanish government to loan to the United States the amount of the bill. Bills to the amount of thirteen thousand dollars were in this manner accepted; and hopes were thus excited, that pecuniary aid would be afforded by Spain. More bills were soon after presented, and Mr. Jay was unable to ascertain from the minister what would be their fate. After having been for some time kept in suspense, he was visited by an agent of the minister, and urged to relinquish the claims of

the United States to the Mississippi. He refused, and was soon after officially informed that Spain would pay no more bills.

He now inquired whether the United States were to expect any and what aid from Spain. It was rather the policy of this court, being then at war with Great Britain, to amuse than to irritate America. A desire to injure her enemy prompted Spain to wish for the independence of the United States ; at the same time she was anxious to obtain from the latter as many concessions as possible before they became strong enough to refuse them. It was only, however, by encouraging an expectation of aid in their struggle with Britain that the States could be induced to yield to her demands. These considerations probably induced the minister to inform Mr. Jay, that if he could borrow \$150,000, the king would guarantee its repayment in three years. The result of this offer was, not unlikely, foreseen. Mr. Jay endeavoured, without success, to effect the loan on the king's security in Spain, France, and Holland. Anxious to save the credit of his country, and regardless of personal consequences, he now took a step no less remarkable for its boldness and decision than for its variance with his usual habits of prudence. He resolved to accept all bills that should be presented to him ; thus making himself personally responsible for their payment. This was done for the purpose of preserving the credit of the United States for at least the ensuing six months, and in the hope that within that time supplies would be obtained from either Spain or France. On the 22d of September, his acceptances amounted to \$50,000. He then applied to the French court for assistance, and was informed that none could be afforded. It was not long, however, before he received from France, through Dr. Franklin, \$25,000. This relief, small as it was, revived his hopes and strengthened the resolution he had taken ; and he continued to accept every bill that was presented.

Spain, finding that Mr. Jay would not barter the Mississippi for a loan, and perhaps thinking it prudent to show some slight favour, in hopes of receiving greater ones in return, promised, about the close of the year, to pay bills to the amount of \$150,000, when they should become due.

This year proved to Mr. Jay one of great anxiety and perplexity. The bills drawn upon him by Congress, and the conduct of the Spanish ministry, were fruitful sources of vexation. The narrowness of his salary, at the most expensive court in Europe, exposed him to much embarrassment, and occasioned long and frequent absences from Mrs. Jay ; since the king being in the habit of residing at his various seats in the course of the year, Mr. Jay was compelled to follow the court, and, from pecuniary considerations, was denied the satisfaction of taking her with him. Separated from her only child, who had been left in America, and frequently from her husband, and surrounded by foreigners whose language she could not speak, it may be easily imagined with what delight the birth of an infant was hailed by herself and Mr. Jay ; and with what anguish of disappointment they were called to mourn its death a month after. Another circumstance tended greatly to aggravate the painful situation in which Mr. Jay was placed. Nearly a whole year expired after his departure from America before he received a line from any of his family, whom he had left exposed to the calamities incident to a civil war. Some of his letters had been intercepted by the enemy, and others he had reason to believe had been suppressed by the Spanish post-offices.

Under all these various and trying circumstances he preserved his usual composure and cheerfulness ; and his attention to the claims of his country and his friends continued unremitted. Aware of the privations to which his father's family were subjected by the war, and knowing by experience the difficulty of procuring in America many of the common conveniences as well as necessities of life, he

frequently sent over, both from Spain and France, a variety of articles for their use, and occasionally supplied them with money from his own scanty salary.\*

“ TO GOVERNOR CLINTON.

“Aranjues, 21 miles from Madrid, 6th May, 1780.

“ DEAR SIR,

“As I have not my papers with me, I cannot ascertain the number or dates of my letters to you since I left

\* The following list of articles, shipped by order of Mr. Jay, and at his expense, from Bordeaux, 10th July, 1780, is annexed as a singular proof of his minute attention to the comforts of his father's family, and also as an evidence of the destitute condition of the country which could render such supplies acceptable to a family whom the war had found in opulence, and who still possessed a large estate.

1 trunk containing	3 superfine milled caps.
16 ells blue broad cloth, twist, thread, and silk.	6 felt hats.
4½ do. cotton assorted for linings.	½ doz. butcher's knives.
Buttons, twist, silk, buckram.	½ do. brass knee-buckles.
3¼ ells superfine broad cloth (brown).	1 do. do. thimbles.
4½ do. cotton.	12 pieces tape of 20 ells.
Buttons, twist, silk, buckram.	½ doz. do.
47 ells blue serge, lining for the blue broad cloth.	1 lb. thread.
29½ do. camlet.	6 m. pins.
12 do. silk do.	3 pairs best scissors.
16 do. flannel, or swanskin.	½ doz. large black handkerchiefs.
½ lb. sewing silk.	½ do. coloured do.
1 lb. snuff.	3 lb. nitre.
2 pairs men's superfine white silk hose.	¼ lb. cinnamon.
2 do. do. strong do.	¼ lb. cloves.
6 do. do. cotton superfine.	¼ lb. nutmegs.
6 do. do. or women's do. do.	¼ lb. mace.
6 do. do. worsted mixed.	50 ells linen.
6 do. do. thread, gray.	1 piece cotton handkerchiefs.
3 do. do. milled hose superfine.	3 do. fine linen 18 ells.
6 doz. ebony knives and forks, tipped with silver.	½ do. 6 ells cambric.
1 pair tailor's shears.	1 piece chintz, white ground, purple figure.
	3 lbs. 13 oz. fine hyson tea.
	2 doz. yarn hose.

America. I have often done myself the pleasure of writing to you ; and am in daily expectation of receiving a few lines from you.

“The last accounts from America were of the 10th March, contained in two or three Boston newspapers, brought to Bilboa from Newbury. They give us reason, indeed, to expect that your namesake’s fleet has been thoroughly dispersed, and his designs on South Carolina thereby defeated. I am anxious for a confirmation of this intelligence ; it would operate in Europe as much to our advantage, though perhaps not so much to our glory, as a victory. As long as you can maintain your importance, and appear neither to want friends or fear foes, you will enjoy respectability on this side of the water, and reap all the advantages resulting from it. By her power, justice, commerce, and consequence, America must expect to gain and keep friends. The equity of her cause is with many only a secondary consideration.

“It is said, you have again adopted the system of regulating prices : I expect no good from it. What has been done with Vermont ? It would give me pain to hear that things remained in the state I left them. Delay is a trump card that ought not to be permitted to remain in hand.

“An English paper contains what they call, but I can hardly believe to be, your confiscation act. If truly printed, New-York is disgraced by injustice too palpable to admit even of palliation. I feel for the honour of my country, and therefore beg the favour of you to send me a true copy of it ; that if the other be false, I may, by publishing yours, remove the prejudices against you, occasioned by the former.

“I wish to know who are your members in Congress. I find Livingston is one, and am glad of it. What has become of Morris ? Don’t let his enemies in or out of the State run him down.

“When you write to me, recollect that it is ten to one



but your letter will be inspected in its way to me through the post-offices of France or Spain. Write, therefore, under this impression.

“When you see my old friends, remember me affectionately to them. You know who they are.

“Very sincerely,

“Your most obedient servant,

“JOHN JAY.”

The confiscation act, referred to in the foregoing, was unfortunately authentic. Mr. Jay, in after-life, often spoke of it with strong indignation. He regarded the dispute with Britain as one in which men might conscientiously take opposite sides; and while he was ever ready to adopt all proper measures for preventing the tories from injuring the American cause, he abhorred the idea of *punishing* them for their opinions. His wish was that no estate should be confiscated, except such as belonged to those who had been either perfidious or cruel. By the act alluded to many were attainted who had been perfectly inoffensive; and he believed motives of avarice had led to their proscription. So much disgusted was he with the injustice and inhumanity of this law, that he always declined purchasing any property that had been confiscated by it.

“TO GOUVERNEUR MORRIS.

“Madrid, 5th November, 1780.

“DEAR MORRIS,

“Three of your letters have reached me; the last was of the 12th July. Some of mine to you were worth little, and their miscarriage was of no consequence; there was one from Madrid, which I wish may come to your hands; it was interesting.

“Where are you?—what are you doing? Achilles made no figure at the spinning-wheel. The State of New-York I take to be your field; if prudently cultivated, it will yield

much. Letters, though the best, are poor substitutes for conversation ; but we must be content. I wish to hear many things of and from you.

“Mrs. Jay is in tolerable health ; she has had a fine little daughter, but she is gone home, and I am resigned. I have it in charge from Mrs. Jay to say many friendly things to you. Drawing bills on me was impolitic in many respects. The navigation, &c. is strongly insisted on. Many fair promises of aids, delays unavoidable or designed, the court undecided and waiting events ; the British courting them. Why was not Ternay supported ? Depend on yourselves principally. The French ambassador here has excellent intelligence from your city. I know but little of what passes among you, and shall be obliged to you for such traits of public and private matters as you may think interesting. I have had some letters from Deane ; he is much displeased with what he thinks the duplicity of certain persons, who in particular I don’t know : he is endeavouring to establish here a bargain with Miralles about masts, and talks of coming here ;—how did you and he part ?

“Should this find you at Philadelphia, remember me to my friends there. I know you, and therefore am, and will be cordially,

“Your friend,  
“JOHN JAY.”

Mr. Deane, who is mentioned in the preceding letter, was the gentleman of whose secret correspondence with Mr. Jay we have already spoken. On his return to America he became involved in disputes with Congress about his accounts, and went back to France greatly dissatisfied with the treatment he had received. The injustice, whether real or imaginary, which he experienced from Congress, seems at first to have cooled, and finally to have extinguished, his attachment to the American cause. He professed a strong friendship for Mr. Jay, and wrote many letters to him from

France, filled with criminations of his supposed enemies, and with gloomy predictions of the evils that awaited his country. We insert two of Mr. Jay's replies.

“TO SILAS DEANE.

“Madrid, 26th December, 1780.

“DEAR SIR,

“At length your first letter, contrary to my expectations, has arrived, and my attention to it shall not be wanting. I have also received your favour of the 18th September; since which more of my letters than one have, I hope, reached you, this being the fourth.

“I have read, considered, and reconsidered the facts and reflections you communicate, and am persuaded that the consequences you draw, though in a certain degree just, are not quite so extensive as you seem to suppose. I am not free from similar apprehensions, but they are not so strong as yours. But however well founded they may be, they ought only to increase our prudence. If I had leisure, it would give me pleasure to go largely into this subject: at present I cannot, because matters of more immediate importance engage me.

“That you have been hardly treated I know, and shall never hesitate to say; but I cannot think the cases of the gentlemen are similar, or prove the points to which you apply them. You was blamed, not for omitting finally to settle your accounts in France, but for not being in *capacity* to show (when in America) what those accounts were; and I don't know that those gentlemen were or will be chargeable with the like incapacity. I mention this only to show the distinction between the cases.

“How far the distinction is important, or how far that incapacity could justify the treatment it occasioned, are other questions. For my own part I think it could not justify it. It will also remain a question how far your measures were prudent. I think some of them were, and

some not; but this inquiry requires many considerations, and combinations, and circumstances, which I must defer for the present. The discoveries you allude to respecting secret practices surprise me exceedingly; I had no such suspicions: perhaps you may give more weight to circumstances than they may merit. The inquiry nevertheless is very important, and while any doubts remain, the pursuit should be continued. Justice demands that we should not even in our opinions injure men who may be innocent; and prudence also demands that we permit not a good heart to impose on a good head,—a case by no means uncommon.

“I wish there were twenty other motives than those you mention for your passing to Spain, exclusive of the satisfaction it will give me to see you. The matters you mention are highly interesting in a public and a private view. They cannot be so well handled in letters as conversation. Whether it will be in my power to meet you I cannot predict, and therefore cannot promise. It would be agreeable, but I have hitherto found so many matters not to be neglected constantly demanding my attention, that I cannot flatter myself with being more disengaged till the greater objects of my coming here shall be either attained or become unattainable. If I should nevertheless be able, I will; if not, I hope you will come on.

“The attachment you express for your country, notwithstanding your complaints of her ingratitude, does you much honour. The injustice of resenting on a whole people the mistakes or transgressions of a few is obvious; but there are comparatively not many who, under similar circumstances, either think right or act so. Truth is seldom so immersed in darkness as not to be capable of being brought to light if attempted in season; and as the mass of the people mean well, they will finally do justice, though their mistakes and passions sometimes delay it. Persevere therefore, do good to your country, and evince the rectitude of your conduct while in her service. I believe you honest,

and I think you injured. These considerations will always prompt me to every friendly office in my power to render. I must again advise you to collect, review, and ascertain precisely the evidence you may have or can obtain of the duplicity of the persons you allude to, whoever they may be. I see this business in many important lights, and the time may come when you may rejoice in all the trouble you may now be at about it. Nay, all this evidence, provided it should appear material, ought to be committed to paper, and not permitted to diminish or die in or with your memory: put it in the power of your friends to vindicate your reputation when you may be no more. It will be of particular importance to your son, to whom you cannot leave a better inheritance than a good, nor a worse one than a bad or doubtful reputation. Remember too that time is spending, men forgetting or dying, papers wasting, &c.; and therefore the sooner you reduce these matters to certainty the better.

"Mrs. Jay and the colonel desire to be particularly remembered to you. This will go under cover to Dr. Franklin. Be pleased to assure him of my regard and esteem, of which also believe you have no little share.

"I am, dear sir, very sincerely yours; &c.

"JOHN JAY."

"TO SILAS DEANE.

"Madrid, 1st November, 1780.

"DEAR DEANE,

"If my regard for my friends be measured by the length of the letters I write them, I confess they have often reason to complain, especially as constant attention to matters of public concern leaves me little leisure for that pleasing method of employing one's vacant hours. Not many days have passed since I wrote you a letter of more than moderate length; and if I could indulge my inclination, you would read much of my writing. There are many subjects, both

interesting and otherwise, on which I should be glad to converse with you, either on paper or in person ; but the former is seldom in my power, for the reason I have mentioned. Could I transport myself for a few hours to Passy, we should soon find ourselves in a situation similar to that we were often in at Mrs. House's in 1775. Letters cannot effect this ; a multiplicity of circumstances must necessarily be stated and combined. Besides, I perceive that you neither know my situation respecting certain individuals, nor I yours. I am convinced that we have the same regard for each other as before. You will be of the same opinion if Providence should again give us an occasion of conversing. These are no times to bid adieu to politics ; while you can be useful in them, don't restrain your pen from those subjects. If ever you and I should talk these matters over, you will think my letters less reprehensible.

“The captain of a vessel lately arrived at Cadiz from North Carolina, says our paper was appreciating there. The King of Spain has offered us his responsibility to facilitate a loan, and I am in a fair way of having some clothing for our army. These circumstances will give you pleasure, I am sure. The state of America I admit to be a serious matter ; but I still think it will terminate well, though it may be scorched by the ordeal through which it is to pass : of this you know more than I do, and therefore can better judge. France had better be cautious. I believe firmly the old adage, *nil utile, nisi quod honestum* ; and therefore before politicians and others deviate from integrity, they should well consider the consequences. I see very clearly that in the instance alluded to repentance would soon follow, and not only prove ineffectual, but severe. In a word, my friend, as to all these affairs, I believe that a wise and good Being governs this world, that he has ordered us to travel through it to a better one, and that we have nothing but our duty to do on the journey, which will not

be a long one. Let us therefore travel on with spirits and cheerfulness, without grumbling much at the bad roads, bad inns, or bad company we may be obliged to put up with on the way. Let us enjoy prosperity when we have it, and in adversity endeavour to be patient and resigned, without being lazy or insensible.

“I cannot approve of your ceasing to reflect on certain subjects. The more you reflect on them the better in my opinion; upon the same principle, that it is better to meet and reduce one’s enemies, than submit to their bondage, or remain exposed to repeated injuries.

“Mrs. Jay and the colonel desire me to make their compliments to you.

“I am, dear sir, very truly,

“Your friend and servant,

“JOHN JAY.”

The draught of the last letter contains the following passage, which, from a line drawn across it, appears to have been omitted in the copy, probably from its apparent egotism: it is important as explaining the great governing principle of Mr. Jay’s life.

“Your country has been ungrateful, you say—admit it. I have done nothing but serve my country for these six years past, and that most faithfully. But I confess that I did it, and am still doing it, as much and more for my own sake as for theirs; that is, because I thought and think it my duty: without doing which I know I cannot please my Maker and get to heaven. Provided He is satisfied with my conduct, the mistaken opinions of others cannot deprive me of happiness.”

Mr. Jay laboured, but in vain, to induce the Spanish court to enter into negotiations for a treaty. His advances were met with coldness, and various pretexts were made for delay. At length, on the 18th May, he had the mor-

tification of learning by a private letter from America, that Congress had, on the 15th of the preceding February, resolved to instruct him, no longer to insist on the free navigation of the Mississippi below the southern boundary of the United States. This resolution was introduced by the delegates from Virginia, and assented to by all the Southern States, with the exception of North Carolina. Mr. Jay became well assured that these new instructions were known to the Spanish minister, and to the French ambassador at Madrid ; and yet, strange as it may seem, he himself received no official notice of them till the 11th July following, when the *Spanish secretary of state* placed in his hands a letter from the President of Congress, announcing the altered resolution of that body. The despatch had been imprudently lodged in the post-office by the person to whose care it had been intrusted. From the post-office it had been sent to the minister, who did not think proper to deliver it till, as the appearance of the packet manifested, he had opened it, and made himself acquainted with its contents.

Mr. Jay now again urged the negotiation, and presented the minister with the plan of a treaty ; one article of which relinquished the claim of the United States to the navigation of the Mississippi ; accompanied by a declaration made on his own responsibility, that should the proposed treaty not be concluded before a general peace, the United States were not to be bound by their present offer to surrender the navigation.

But if Mr. Jay was surprised and mortified by his instructions respecting the Mississippi, those emotions were far more strongly excited by receiving from Congress certain instructions, which accompanied commissions, authorizing him in conjunction with others to enter into negotiations for peace with Great Britain, and to accept of the mediation of the Empress of Russia and the Emperor of



Germany. His feelings on this occasion are depicted in the following letter.

“ TO THE PRESIDENT OF CONGRESS.

“ St. Ildefonso, 20th Sept., 1781.

“ SIR,

“ Your excellency's favour of the 5th July past, with the papers therewith enclosed, were delivered to me on the 29th ult. by Major Franks, whom the procrastination of the minister still obliges me to detain.

“ The new commissions with which Congress have honoured me, argue a degree of confidence which demands my warmest acknowledgments ; and which, so far as it may be founded on an opinion of my zeal and integrity, they may be assured will not prove misplaced.

“ At the commencement of the present troubles I determined to devote myself, during the continuance of them, to the service of my country, in any station in which she might think it proper to place me. This resolution, for the first time, now embarrasses me. I know it to be my duty, as a public servant, to be guided by my own judgment only in matters referred to my discretion ; and, in other cases, faithfully to execute my *instructions* without questioning the policy of them. But there is *one* among those which accompany the commissions, which occasions sensations I never before experienced, and induces me to wish that my name had been omitted.

“ So far as personal pride and reluctance to humiliation may render this appointment disagreeable, I view it as a very unimportant circumstance ; and should Congress, on any occasion, think it for the public good to place me in a station inferior and subordinate to the one I now hold, they will find me ready to descend from the one, and cheerfully undertake the duties of the other. My ambition will always be more gratified in being useful than conspicuous ; for, in my opinion, the solid dignity of a man depends less on the

height or extent of the sphere allotted to him, than on the manner in which he may fulfil the duties of it.

“ But, sir, as an American, I feel an interest in the dignity of my country, which renders it difficult for me to reconcile myself to the idea of the sovereign independent States of America submitting, in the persons of their ministers, to be absolutely governed by the *advice* and *opinion* of the servants of another sovereign, especially in a case of such national importance.

“ That gratitude and confidence are due to our allies is not to be questioned; and that it will probably be in the power of France almost to dictate the terms of peace for us, is but too true. That such extraordinary extent of confidence *may* stimulate our allies to the highest efforts of a generous friendship in our favour, is not to be denied; and that *this instruction* receives some appearance of policy from this consideration, may be admitted.

“ I must, nevertheless, take the liberty of observing, that however our situation may, in the opinion of Congress, render it necessary to relax their demands on every side, and even to direct their commissioners ultimately to concur (if nothing better can be done) in any peace or truce not subversive of our independence, which France may be determined to accede to, yet that this instruction, besides breathing a degree of complacency not quite republican, puts it out of the power of your ministers to improve those chances and opportunities which, in the course of human affairs, happen more or less frequently unto all men. Nor is it clear that America, thus casting herself into the arms of the King of France, will advance either her interest or reputation with that or other nations.

“ What the sentiments of my colleagues on this occasion may be, I do not as yet know; nor can I foresee how far the negotiations of the ensuing winter may call for the execution of this commission. Thus circumstanced, and at such a distance from America, it would not be proper to decline

this appointment. I will, therefore, do my best endeavours to fulfil the expectations of Congress on this subject; but as for my own part, I think it improbable that serious negotiations for peace will soon take place, I must entreat Congress to take an early opportunity of relieving me from a station where, in character of their minister, I must necessarily receive and obey (under the name of *opinions*) the directions of those on whom I really think no American minister ought to be dependent, and to whom, in love for our country, and zeal for her service, I am sure that my colleagues and myself are at least equal.

“I have the honour to be, &c.

“JOHN JAY.”

It may not be uninteresting to trace the causes which led Congress to assent to an instruction that could both prompt and justify such a letter.

By the treaty of alliance between France and the United States, each party was bound not to conclude either a peace or a truce with the common enemy without the consent of the other; and they mutually engaged not to lay down their arms until the independence of the latter had been formally or tacitly assured by the treaty or treaties which should terminate the war.

France had, of course, her own objects in declaring war against Great Britain; and as the separation of the colonies from the mother country tended to further those objects, she laboured sincerely and zealously to effect the separation. But after she had obtained the objects for which she had gone to war, it would have been inconvenient for her to have continued the contest solely for the benefit of her American allies. She was restrained no less by inclination than by treaty from making peace till the independence of the colonies was secured; but it was possible that the United States might prefer claims beyond mere independence, which Great Britain might refuse to allow, and it was

the policy of France to avoid, on the one hand, a breach of the faith she had plighted to America, and, on the other, a continuance of the war for objects in which she had no interest. Hence it became very important to France to have the power of controlling the negotiation of the American claims, that they might not protract the war after she herself was ready for peace. But it is not to be supposed, that this was the only consideration that could render such a power desirable to the French court.

The ultimate independence of America was now placed beyond a doubt, and France was naturally anxious to render subservient to her interests an ally in whose cause she had expended so much blood and treasure. The United States, with contracted boundaries, excluded from the Gulf of Mexico, and denied all participation in the fisheries, and irritated with England, would be more likely to assume the character of a humble satellite to the house of Bourbon, revolving within its sphere, and controlled by its influence, than if elevated to the rank of a powerful empire, and reconciled with Great Britain by a liberal and equitable treaty. France seems to have been early, as well as steadily influenced by views like these. In 1779, Congress were engaged in discussing the conditions of peace proper to be proposed. The ultimata suggested were :

1st. The acknowledgment of the independence of the United States by Great Britain, *previous* to any treaty or negotiation for peace.

2d. That the Mississippi should be the western boundary.

3d. A participation in the fisheries.

4th. The navigation of the Mississippi to the southern boundary, and a port below it.\*

While this subject was under discussion, the French minister at Philadelphia, Mr. Gerard, submitted to Congress a written memorial, in which he gave them to under-

\* Secret Journal of Congress.

stand that Britain would probably refuse a formal acknowledgment of their independence, and reminded them that, "to this day, Genoa and the Swiss Cantons have obtained no renunciation, nor acknowledgment, either tacit or formal, from their former sovereigns, but they enjoy their sovereignty and independence *only under the guarantee of France.*"

These remarks were, doubtless, aimed at the first of the proposed ultimata. That condition, it was apprehended, might protract the war longer than would be convenient to France; and it would not, probably, have been displeasing to that court should the United States, like Genoa and the Swiss Cantons, have consented to enjoy their independence under its guarantee. He, moreover, urged upon Congress, that "it was important to provide, that difficulties of this nature, which reside merely in *words*, should not delay or prevent America from enjoying the thing itself." He next adverted to "the manifest and striking necessity of enabling Spain, by the determination of *just and moderate terms*, to press upon England with her good offices, and to bring her mediation to an issue." This was a hint to Congress as to their 2d and 4th ultimata. Congress, however, at this time remained firm, and unanimously concurred in the instructions to be given to the minister to be appointed to conduct the negotiations for peace. These instructions required that Great Britain should treat with the United States as a sovereign and independent nation, and they insisted that the Mississippi should be the western boundary. The condition relating to the fisheries was omitted, but Congress at the same time passed a declaratory resolution, that any future attempt on the part of Great Britain to molest any of the inhabitants of the United States in the exercise of their right to the fisheries, should be a cause for war.

In all other matters not provided for by the instructions, the minister was to be governed "by the advice of our

allies, by your knowledge of our interests, *and by your own discretion.*"

The ultimata agreed on by Congress, and the qualified reference of their minister to the advice of their allies, did not comport with the views of the French court. That court appointed Count Luzerne to succeed Mr. Gerard; and on the 25th January, 1780, the new minister requested a conference with Congress. A committee was appointed to receive his communications; and they reported that the count was ordered by his government to inform Congress of certain points which Spain deemed of great importance, and on which it was necessary that Congress should explicitly explain themselves, viz.

1st. That the territories of the United States extended no further west than the limits to which settlements were permitted by the royal proclamation of 1763.

2dly. That the United States have no right to navigate the Mississippi, having no territory adjoining *any part* of the river.

3dly. That Spain will probably conquer the Floridas, and intends holding them.

4thly. That the territory on the *east* side of the Mississippi belongs to Great Britain, and will probably be conquered by Spain; and the minister therefore advised Congress to restrain the southern States from making any settlements or conquests in that territory.

Count Luzerne likewise intimated for the information of Congress, that France could not regard the independence of the United States as free from danger until they were united in amity with Spain.\*

These extraordinary communications led Congress to perceive that France did not intend to countenance them in their claim to the navigation of the Mississippi, and doubtless induced them to order Mr. Jay to abandon it. Although this interference of France in behalf of Spain did

\* Secret Journal of Congress.

not coincide with the frequent and strong declarations of her regard for the rights and interests of her American allies, it was not unnatural, and ought not to have been unexpected. The two courts were allied by a common interest and a common religion, as well as by the ties of consanguinity, and of the Family Compact. That under these circumstances France should have lent the weight of her influence to the claims of a branch of the house of Bourbon rather than to those of a distant people, in whom she had become interested only by recent political occurrences, and whose language, religion, and manners were all alien to her own, was no otherwise a just cause of complaint than that the preference, instead of being frankly and honestly avowed, was masked by insincere professions, and its objects pursued by indirect and disingenuous means.

Count Luzerne, having succeeded in persuading Congress to relinquish their claim to the Mississippi, made a further trial of their submissiveness. On the 26th May, 1781,\* he informed Congress that the Empress of Russia, and the Emperor of Germany, had offered their mediation for a peace, and that as the manner of conducting the negotiation, the extent of the powers to be granted to the American plenipotentiary, and the use to be made of them, as well as the *confidence* that ought to be reposed in the king's ministers, were subjects which should be fully discussed with a committee, he asked Congress to appoint a committee to confer with him.

This arrogant demand was acceded to. The committee appointed for this purpose reported to Congress, that the minister disapproved of their late nomination of a minister to Russia; that he complained that Mr. Adams, who was then in Europe with a commission from Congress for negotiating a treaty of peace, assumed the right under that commission of treating with England; and that the count was desirous that Congress should draw a line of conduct for

\* Secret Journal of Congress.

that minister, of which he might not be permitted to lose sight, and would order him, with respect to the manner of executing his instructions, "*to receive his directions from the Count de Vergennes, or from the person who might be charged with the negotiation in the name of the king.*" He also added, that in the opinion of Count Vergennes, it is of great importance that these instructions be given as soon as possible to Mr. Adams.

On the 8th of June, after much discussion, Congress agreed on new instructions to Mr. Adams; in which they forbear insisting on any other ultimata in the treaty of peace but independence, and the observance of existing treaties with France. The instructions concluded as follows: "You are to make the most candid and confidential communications upon all subjects to the ministers of our generous ally the King of France; to undertake nothing in the negotiations for peace or truce without their knowledge or concurrence; and to make them sensible how much we rely upon his majesty's influence for effectual support in every thing that may be necessary to the present security, or future prosperity of the United States of America."

The committee already mentioned now recommended that some person should be associated with Mr. Adams in the negotiation. This recommendation was, no doubt, suggested by the count, who had conferred with the committee, and who dreaded the well known independent character of Mr. Adams. Congress, however, thinking they had already carried their complaisance far enough, refused at first to appoint additional commissioners, but ordered the committee to communicate in confidence the new instructions to Count Luzerne. It was, no doubt, supposed that these instructions would not only receive the approbation and applause of the French minister, but would remove whatever apprehension he or his court might have entertained of the unbending patriotism of Mr. Adams, left as



he was by the first instructions to the guidance of his "own discretion."

The surprise and mortification of Congress may be easily conceived when they learned from their committee, that the arrogance of their powerful ally demanded further sacrifices of national honour and independence. They had submitted to the French minister the instructions recently adopted; and now proposed the insertion in them of the following words, viz. "and ultimately to govern yourself by their (the ministers of the King of France) advice and opinion:" thus making the American negotiator a mere puppet, to be played at pleasure by Count Vergennes. Astonishing as it may seem, only three States in Congress, Massachusetts, Rhode Island, and Connecticut, voted against this prostration of their country at the footstool of a despotic prince.\* Having thus surrendered the whole negotiation into the hands of the French cabinet, Congress no longer thought it worth while to insist on their original appointment of Mr. Adams; and as Count Vergennes wished other tools to work with, they proceeded to associate Mr. Jay, Dr. Franklin, Mr. Jefferson, and Mr. Laurens with Mr. Adams, as ministers plenipotentiary to negotiate a peace.

We thus find that the instructions which excited Mr. Jay's indignation were virtually dictated by a foreign minister, and for the express and obvious purpose of sacrificing the essential interests of the United States to the views of the two branches of the house of Bourbon; and that he himself owed his appointment to the jealousy entertained by the French court of the independence of Mr. Adams. Happily for his country, his patriotism induced

\* The members in the negative were Messrs. Lovell and Ward, from Massachusetts; Mr. Varnum, from Rhode Island; Messrs. Huntingdon, Ellsworth, and Sherman, from Connecticut; Messrs. Montgomery and Smith, from Pennsylvania; and Mr. Bland, from Virginia. No delegate from New-York was present.—*Secret Journal of Congress.*

him both to accept the humiliating commission and to burst the bonds with which it was fettered.

But although the French minister had found a majority in Congress subservient to his wishes, it must not be supposed that all were blind to the subtle policy of France, or satisfied with the sacrifices that had been made to it.

A few days after the instructions were voted, Mr. Gouverneur Morris addressed a letter to his friend, from which it will be perceived what a strong sense of disgust the late conduct of Congress had excited.

“ TO MR. JAY.

“ Philadelphia, 17th June, 1781.

“ DEAR JAY,

“ Although I believe myself thoroughly acquainted with you, yet I cannot tell whether I ought to congratulate or condole with you on your late appointment. Ere this reaches you, you will have learned, that you are on the part of this country one of five to negotiate peace ; so far you are something : but when you come to find by your instructions that you must ultimately obey the dictates of the French minister, I am sure there is something in your bosom which will revolt at the servility of the situation. To have relaxed on all sides, to have given up all things, might easily have been expected from those minds which, softened by wealth and debased by fear, are unable to gain and unworthy to enjoy the blessings of freedom. But that the proud should prostitute the very little dignity this poor country was possessed of, would be indeed astonishing, if we did not know the near alliance between pride and meanness : men who have too little spirit to demand of their constituents that they do their duty, who have sufficient humility to beg a paltry pittance at the hands of any and every sovereign, such men will always be ready to pay the price which vanity shall demand from the vain. Do I not know you well enough to believe that you will not act in

this new capacity? I think I do; and therefore I will express my concern that you must decline the honour, if that name can be applied to such offices. Decline, however, with decency, though with dignity. I mean always if no alteration takes place, which shall be done if I can effectuate it, though I almost despair.

“No other Congress will surrender all, as this has, to an ally. I am more moved on this occasion than I ever have been, and therefore it is possible I may be mistaken; but I think so strong, so deep an impression cannot be false.

“Remember me properly, and believe me,

“Yours,

“GOUVERNEUR MORRIS.”

The intercourse between Congress and its servants abroad had hitherto been carried on through its president; but in the latter part of 1781, the Office of Foreign Affairs was established, and Chancellor Livingston of New-York was placed at its head, and became the medium of all communications from foreign ministers to Congress. Mr. Jay had, however, little information of an agreeable nature to transmit to his old friend. His domestic happiness had indeed received an accession in the birth of a daughter, but his negotiation still continued a fruitful source of solicitude and embarrassment. In the month of March, his acceptances exceeded the amount promised by Spain, by \$100,000. Induced by repeated although indefinite promises of aid, he had continued to accept every bill as it was presented. After the minister had advanced about \$150,000, a banker in the confidence of the government offered to provide funds to pay all the remaining acceptances, on the promise of repayment by the court within ten or twelve months. When this offer was made, the Spanish minister probably intended to save the American credit; but when the bills became due, another course of policy was adopted. The offer was acceded to by the court, when the banker,

at the instigation of the minister himself, as there is reason to believe, insisted upon other terms of repayment by the government, and thus afforded them a pretext for withholding their guarantee from the proposed loan. This act of perfidy reduced Mr. Jay, on the 16th March, to the mortifying necessity of protesting the bills still unpaid, and thus for a time to annihilate the credit of the United States in Europe.

But this mortification was happily of short continuance; for ten days after the protest, he received information from Dr. Franklin of a subsidy granted by France, and permission to draw upon him for the amount necessary to redeem all the bills then due. Thus had he the satisfaction of seeing the credit of his country restored, and his own apparently rash conduct justified by the event.

Mr. Jay's continued residence in Spain now afforded no prospect of usefulness to his country. Although treated with great personal civility, he was not acknowledged in his public character, nor did he see any probability of forming any other treaty with Spain than such as might be extorted from the necessities of America. Thus situated, it must have been with no small satisfaction that he received, early in May, a letter from Dr. Franklin, pressing him to repair to Paris, to assist in the negotiations for peace, which the Dr. believed would soon be opened. With his usual promptitude, he obeyed the summons in a few days, and, abandoning a field in which his labours had produced but little fruit, he entered another, in which he gathered for his country an abundant harvest.

Shortly before his departure from Spain, he received from Dr. Franklin a copy of a letter written by Mr. Deane to a friend in America, representing the American cause as desperate, and recommending an immediate reconciliation with Great Britain. The letter had been intercepted and published by the English. Mr. Jay, who, as we have already seen, was on friendly terms with Deane, had sus-

pended his portrait in his parlour at Madrid; but, on receiving this evidence of his apostacy, he took down the picture and threw it into the fire, and ever after showed great reluctance to speak of the original.

---

## CHAPTER VI.

1782-4.

The French Court endeavours to prepare Congress for the Abandonment of their Claims—Mr. Jay arrives in Paris—The Spanish Ambassador wishes to negotiate with him—The Claims of Spain countenanced by France—Mr. Jay refuses to treat with Count Aranda without first seeing his Powers—Anecdotes of Count Aranda—Mr. Oswald, the British Commissioner, arrives—Mr. Jay refuses to treat with him till American Independence is acknowledged—Drafts a new Commission for Mr. Oswald—French Intrigues to defeat the Claims of the United States—Mr. Jay sends a secret Agent to the British Ministry—Independence acknowledged—Mr. Jay drafts Preliminary Articles—Extracts from his Diary—Mr. Adams arrives—Dr. Franklin's Conduct and Views explained—Anecdotes of French Intrigue—Extracts from Mr. Jay's Correspondence—Signs Treaty of Peace—Visits England—Returns to France—Embarks for America.

THE French government, having become masters of the negotiations for peace by the instructions it had prevailed on Congress to give their commissioners, began to prepare that body for the sacrifices demanded by French policy. The court of Versailles, wishing to keep the United States dependent solely on herself, was not desirous that they should form European alliances. That court had taken no measures to facilitate the efforts of Mr. Jay to form a treaty with Spain. It had expressed to Congress its disapprobation of the appointment of a minister to Russia; and on the 21st September, 1781, the French minister at Philadelphia informed Congress that Count Vergennes had been

advised "of the intentions of Mr. Adams to display his character as minister of the United States in Holland; that the Duke Vaugion (French ambassador at the Hague) gave Mr. Adams no assistance *on that occasion, knowing the application would have no favourable influence.*" Happily, however, Mr. Adams, contrary to the advice and wishes of the French ambassador, demanded and obtained from Holland the recognition of American independence.

On the 23d November, 1781, the French minister informed Congress, "that the king accepted with pleasure the proofs which Congress have given him of their confidence, when they *intrusted to his care* the interests of the United States. That he would use his influence and credit for the advantage of his allies, whenever a negotiation should render their interests a subject of discussion; that if he did not obtain for *every state* all they wished, they must attribute the sacrifice he might be compelled to make of his inclinations to the tyrannic rule of necessity."\* This allusion to the wishes of the several States undoubtedly ad reference to the fisheries claimed by the eastern, and the navigation of the Mississippi, claimed by the southern States.

On the 28th January, 1782, Count Luzerne communicated to Congress a letter from Vergennes, stating that "France wished to obtain every advantage for the United States; that powers at war must often be governed by circumstances; that if events should enable her to command them, the United States might depend on every thing she could obtain; that her political system depended, not only on America, but on the other powers at war; that if France should continue hostilities merely on account of America, after *reasonable* terms were offered, it was impossible to say what the event might be."

On the 24th September, 1782, the French minister again laid before Congress the substance of several letters from

\* Secret Journal of Congress.

Count Vergennes. In one the count observed that the confederacy would be crowned "with success, if the four powers persisted invariably in a firm attachment to their union; and if on the one hand, making the greatest exertions to procure the completest satisfaction, they on the other hand confined themselves *within such bounds of moderation, as to give no umbrage to any one of the powers at war with Great Britain:*" or, in other words, if the United States should avoid giving umbrage to Spain, by surrendering their claims to the navigation of the Mississippi, and to the territory between that river and the Alleghanies. In another letter the count remarked, "that when negotiations were entered into with sincerity, the king would most readily employ his good offices in support of the United States, in all points relating to their prosperity; that Congress were themselves sensible of the distinction between the conditions of justice and rigour and those of *convenience and compliance, which depended on the good or bad situation of affairs*; that though the circumstances of the allies were very promising, such events might happen *as might make it advisable to adopt the part of moderation.*"

All these dark and ominous hints were well calculated to excite alarm; and Congress discovered too late that they had deputed to a foreign prince that control over the conditions of peace which their constituents had confided only to themselves. The instructions they had unhappily been persuaded to give their commissioners now compelled them humbly to sue for those rights which, under other circumstances, they would, if necessary, have seized by force of arms. In their reply, Congress declared that, considering "the territorial claims of these States as heretofore made, their participation of the fisheries and of the free navigation of the Mississippi, not only as their indubitable rights, but as essential to their prosperity, they trust that his majesty's efforts will be successfully employed to obtain a sufficient provision and security for those rights; that they trust that

the circumstances of the allies at the negotiations for peace will be so prosperous as to render their expectations consistent with the spirit and *moderation* recommended by his majesty.”\*

The various communications made to Congress by the French ministers, together with subsequent events, afford a mass of evidence, not easily resisted, of the intention of the French court to mould the treaty between Great Britain and America into such a form as would best comport with its own interests, and those of the Spanish branch of the house of Bourbon. That this intention was frustrated was chiefly owing, as will be seen in the sequel, to the foresight and firmness of Mr. Jay.

That gentleman arrived with his family at Paris on the 23d June, after a tedious journey from Madrid. The following memoranda, from a brief diary which he at this time kept, evince the prompt attention paid by him to the duties of his mission, and how little disposed he was to postpone public business for personal ease and relaxation.

“1782, 23d June. Arrived at Paris about noon. Spent the afternoon at Passy with Dr. Franklin. He informed me of the state of the negotiation, and that he kept an exact journal of it.

“24th. Waited upon M. Vergennes with the Dr. The count read to us his answer to the British minister.

“25th. Wrote to Count Aranda. Wrote to the secretary for foreign affairs.

“26th. After breakfast with the Dr. met with Mr. Grenville.”

The negotiation for peace had not yet assumed any definite form. In the month of February parliament had passed resolutions, censuring the continuance of the war with America, and requesting the king to terminate it. These resolutions led to the formation of a new ministry,

\* Secret Journal of Congress.



by whom Mr. Oswald was sent to Paris to announce the desire of the cabinet for peace ; and soon after Mr. Grenville was commissioned to treat with the ministers of the king of France, *and with the ministers of any other prince or state whom it might concern*. No important measures resulted from this commission, as Mr. Grenville was soon after recalled. On the 26th July, Mr. Grenville was succeeded by Mr. Fitzherbert, with powers to treat with France, Spain, and Holland.

On leaving Spain, Mr. Jay was informed that Count Aranda, the Spanish ambassador at Paris, would be authorized to continue the negotiation with him. Although there was no reason to anticipate a favourable result from a renewal of the negotiation, Mr. Jay was determined to omit nothing that might render it useful to his country ; and therefore he addressed a letter to the count, expressing his readiness to commence the necessary conferences. A meeting was appointed, and the count commenced the conference with the subject of the western boundary of the United States, and proposed running for this purpose a line on the *east* of the Mississippi. Mr. Jay, of course, claimed the river as the true boundary ; but as the count had not yet given him a copy of his powers to treat with him, he refrained from entering into any discussions. The count gave him a map, with the proposed boundary line marked on it. This map Mr. Jay showed to Count Vergennes, and the count's confidential secretary, who was present, and who cannot be supposed either ignorant of his patron's views or desirous to thwart them, presumed to assert that the United States claimed an extent of boundaries to which they were not entitled. This zealous secretary afterward addressed a letter to Mr. Jay, proposing what he called a *conciliatory line* as the boundary of the United States. This conciliatory line would have deprived them not only of all the land north of the Ohio, but also parts of the present States of Kentucky and Tennessee, and

nearly the whole of the States of Alabama and Mississippi. In this letter the secretary entered into a laboured argument to prove that the United States did not extend to the Mississippi; and while he admitted that Spain had no claims to the land north of the Ohio, he insisted that the territory still belonged to Great Britain, and that its possession must be determined by the treaty to be made. Mr. Jay returned no answer to this letter, which he well understood to be a contrivance on the part of the French court to fix a boundary agreeable to Spain, without incurring the responsibility and odium of a direct interference. It was a prime object with Spain to exclude the citizens of the United States from the Mississippi, and of course from the Gulf of Mexico. Hence it became important that the territories of the United States should be limited on the west by a line to the eastward of that river. Mr. Jay had early discovered the design of France to countenance the Spanish claims; and on several occasions he thought the French ambassador at Madrid, Count Montmorin, less zealous in promoting his negotiations than consisted with his professions.

The following extract of a letter, written at Madrid by Montmorin to Vergennes, while it displays the views of Spain, explains the anxiety of Vergennes relative to the western boundary, as evinced by the interference of his secretary. "The cabinet of Madrid," says the letter, "thinks it its essential interest not to open the Mississippi to the Americans, and to give them a disgust to settling on that river, as they would soon engross the trade of New-Orleans and Mexico, in spite of all the obstacles that might oppose their progress, and would become the more dangerous neighbours to Spain; as even in their present weak state, they conceive vast projects for the conquest of the western banks of the Mississippi." Montmorin added, "that Spain was determined to make the Indians serve as a barrier between their possessions and those of the Americans; that she would find the means, if necessary, to

obstruct their progress ; and *that his most Christian majesty could not afford his Catholic majesty a greater proof of his attachment than in employing his influence in the United States, to divert their views from the navigation of the Mississippi.*"

Mr. Jay had, as is usual on such occasions, given to the Count Aranda a copy of his commission ; and he declined making any overtures, or entering into any discussions, till the count had, according to established etiquette, communicated to him his powers from the Spanish government. This adherence to forms interfered with the wishes of the French court. If Mr. Jay refused to treat, there could of course be no cession of the Mississippi, or of the western boundary :—if the count tendered to Mr. Jay a commission authorizing him to treat with the minister of the United States, this would of itself be an acknowledgment of their independence ; and such an acknowledgment might render them less dependent upon France. In this dilemma, recourse was had to Mr. Rayneval, the convenient secretary of Count Vergennes, by whom the minister could speak his sentiments and wishes without being responsible for them. Mr. Rayneval addressed a note to Mr. Jay, urging him to commence negotiations with Count Aranda, and assuring him that he could not refuse doing so without giving personal offence to the count. Mr. Jay did not condescend to explain or vindicate his conduct to Count Vergennes's secretary ; and he left his note unanswered. The count now resolved to make trial of his own influence directly exerted ; and he had the indelicacy to seize an opportunity, when the Spanish ambassador was present, to observe to Mr. Jay that Count Aranda had already informed him that he was empowered to treat with him, and surely he would *believe* him. Mr. Jay replied, that he would of course in private transactions repose every confidence in Count Aranda, but that in affairs of state he must make a distinction ; and that he could not consent to treat with any person or power on

earth who did not first acknowledge the independence of his country. Vergennes said the acknowledgment by Spain might be made an article of treaty, and asked if he expected the *effect* to precede the cause. He was told that the independence of the United States was the *effect* of their contest with Great Britain. "But," said Vergennes, "the ministers of America treated with France before their independence was acknowledged." To this he was answered, that the two cases were different; that the American ministers had treated with him (Vergennes) because, being secretary for foreign affairs, he was ex-officio entitled to treat with them; but that Count Aranda, as ambassador to the court of France, possessed no authority to treat with an American minister; and if he possessed special authority, that authority ought, as was customary, to be shown. The attempt to change Mr. Jay's resolution was now abandoned as hopeless, and no further efforts were made to renew the negotiation.

The Spanish ambassador, no doubt, felt the propriety of Mr. Jay's refusal to treat with him; and, instead of manifesting any coolness towards him, showed him much cordiality. They became intimate, and conceived a mutual esteem for each other. Count Aranda was one of the richest subjects of Spain, and he lived at Paris in great splendour. His assortment of wines was, perhaps, the finest in Europe. Instead of purchasing as usual of the dealers, he employed agents to explore the wine countries, and to select the choicest kinds at the vineyards where they were made. His plate, of which he had a profusion, was kept constantly burnished by a silversmith maintained in the house for that purpose, so that it always appeared new. Notwithstanding his fondness for display, Mr. Jay thought him the ablest Spaniard he had ever known. The count spoke freely to him on the subject of the Inquisition; and told him that he had once nearly succeeded in overturning it. Well knowing that any direct attack upon it

would be in vain, he availed himself of his intimacy with the king to represent to his majesty how much it was to be lamented, that so many calumnies should be spread abroad against that important tribunal; that it would add greatly to its reputation, as well as the honour of the kingdom, if means could be devised to convince all mankind that its proceedings were fair and equitable, and consonant with the spirit of the religion it was established to defend: that for this purpose, nothing more was necessary than to direct it to proceed, like other courts, with open doors. If this were done, every one would be able to judge for himself—the calumnies against it would perish of themselves, and the Inquisition would enjoy the reputation and confidence it no doubt merited. The king was pleased with the project, and seemed determined to adopt it; “but his confessor,” said the count, “was too cunning: he became acquainted with the plan, perceived its consequences, and persuaded the king to reject it.”

Count Aranda had the character of being extremely inflexible, and the following anecdote was told of him. He was one day disputing a point with the king with much earnestness, when the latter, who was also remarkable for a hard head, said to him, “Aranda, you are the most obstinate man of all Arragon.”—“No, sire,” replied the count, “there is one still more obstinate than I am.”—“And who is that?” said the king. “The King of Arragon,” answered the count. The king laughed, and took no offence at the freedom.

We have already seen with what reluctance Mr. Jay accepted a commission to treat for peace under instructions which, if obeyed, would compel him to sign any treaty that the French ministry might please to prepare for him. The request he then made to be excused from serving, far from being the hasty ebullition of the moment, was his earnest and deliberate wish, resulting from a firm conviction that it would not be in his power to secure the rights and

interests of his country, by pursuing the path pointed out to him by Congress. Two days after his arrival at Paris, he wrote to the secretary for foreign affairs, "Mr. Adams cannot leave Amsterdam at present, and I hear that Mr. Laurens thinks of returning soon to America; so that I apprehend Dr. Franklin and myself will be left to manage at least the *skirmishing* business, if I may so call it, of our commission. You know what I think upon this subject, and I wish things were so circumstanced as to admit of my being indulged."

It was not till the 25th of July that the British ministry took a decided step for commencing negotiations with the American commissioners. On that day the king issued an order to the attorney-general to prepare a commission to Richard Oswald, empowering him "to treat, consult of, and conclude with any commissioner or commissioners named, or to be named by the thirteen *colonies* or plantations in North America, and any body or bodies, corporate or politic, or any assembly or assemblies, or description of men, or any person or persons whatsoever, a peace or truce with the said colonies or plantations, or any part thereof."

A copy of this order was sent to Mr. Oswald, then at Paris; he communicated it to the American commissioners, and by them it was submitted to Count Vergennes. The count advised them to proceed, and treat with Mr. Oswald as soon as the commission should arrive. Mr. Jay objected that it would be descending from the ground of independence to treat under the description of colonies. The count advanced various arguments to obviate this objection; and Dr. Franklin declared that the commission "would do."

Mr. Jay now found himself placed in an embarrassing situation; a situation in which he was compelled, either to enter upon the negotiation under circumstances derogatory to his country, or else to assume alone the responsibility of violating the express commands of Congress; of refusing

to act with a colleague of the weight and influence of Dr. Franklin, and perhaps of postponing for an indefinite period the return of peace. He chose without hesitation the latter alternative. Unaccustomed to govern his official conduct by personal considerations, he resolved not to sacrifice to them on the present occasion the honour, consistency, and moral dignity of the United States, by an implied admission that they were colonies of Great Britain. Having laboured in vain to convince Dr. Franklin of the impropriety of treating with Mr. Oswald under his present commission, he next endeavoured to render the British commissioner himself instrumental in effecting an alteration in the commission. He solemnly assured Mr. Oswald he would have no concern in any negotiation in which the United States were not treated as an independent nation; and he pointed out to him the inconsistency between his commission and the professions recently made by the British ministry, as well as the injurious consequences that would result from well-founded suspicions of the king's sincerity. At Mr. Oswald's request, Mr. Jay gave him a draught of such a commission as would be satisfactory, and a courier was immediately despatched with it to London. It was a singular circumstance, that one who had been lately regarded as a rebel subject of the British monarch, should now prepare a commission from that monarch, by which his late colonies were to be acknowledged free and independent. Count Vergennes, who was ignorant of this transaction, again urged Mr. Jay to proceed in the negotiation, which he again refused to do. The next day the count had a conference with Mr. Fitzherbert, the British minister at Paris, who directly after the conference sent a courier to his court. The British cabinet did not return an answer to Mr. Oswald's despatch till after Mr. Fitzherbert's had been received. The answer announced the king's intention to grant to America unconditional independence, *as an article of treaty*. Mr. Jay remarked to Mr. Oswald

that he suspected Mr. Fitzherbert's courier had suggested the idea of granting independence by treaty; on which the latter acknowledged, that Count Vergennes had told Mr. Fitzherbert that the present commission was sufficient, and that the British cabinet had been informed that such was his opinion.

The policy of France in wishing to postpone the acknowledgment of American independence was obvious. The sole object of the war on the part of Great Britain was to reduce her late colonies to subjection; but the moment she admitted them to be independent, the object of the war was abandoned; and the United States, having no longer any thing to apprehend from her, would cease to look to France for protection and counsel, and would refuse to relinquish by treaty any of their rights, which France might find it convenient to barter with England for concessions to herself.

Mr. Jay, finding that the French minister had not scrupled to interfere to prevent the English cabinet from granting a proper commission to Mr. Oswald, thought himself no longer restrained by delicacy towards France from taking the course required by the occasion. He unreservedly explained to Mr. Oswald the views and policy of the French court, and showed him, that it was the interest of his government to render the United States as independent of France, as they already were of Britain. He likewise drafted a joint letter from Dr. Franklin and himself to Mr. Oswald, declaring their firm and final determination not to treat on any other footing than independence. Dr. Franklin declined putting his name to this letter, and it was therefore not signed by his colleague; but the draught was nevertheless given to Mr. Oswald, who sent it to his government.

On the 6th September, Mr. Jay received from Mr. Rayneval the letter already mentioned on the subject of boundaries. He regarded this letter as speaking the language



of Vergennes, and he inferred from it that it was the intention of the French court, 1st, to oppose at the peace the extension of the United States to the Mississippi; 2d, to oppose their claim to the navigation of that river; 3d, *probably* to *support* the British claims to the country above the 31st degree of latitude, and *certainly* to all the country north of the Ohio; and 4th, that in case the United States would not agree to divide with Spain in the manner proposed, that then France would aid Spain in negotiating with Britain for the territory she wanted, and would agree that the residue should remain to Britain.

On the 9th, Mr. Jay ascertained that Rayneval, the morning after writing this letter, had had a conference with Vergennes and the Spanish ambassador, and immediately afterward had set out for England; and that it was reported he had "gone into the country," and that several precautions had been taken to keep his real destination a secret. A mission to England under such circumstances, and by an envoy entertaining and expressing such sentiments relative to American claims, naturally excited Mr. Jay's suspicions. These suspicions were painfully strengthened by a document of which he became possessed the following day. This was a copy of a letter written in cipher, the 31st March, 1782, by M. Marbois, the French charge des affaires at Philadelphia, to Count Vergennes.\* In this letter Marbois informs the minister, that in South Carolina and several other States, the determination of Congress which "leaves the king master of the terms of the treaty of peace or truce," is known and generally approved; but that Mr. Samuel Adams is using his endeavours to raise in Massachusetts a party opposed to peace, unless the eastern States shall be admitted to the fisheries. He intimates that it would be useless and dangerous to oppose this party in the newspapers, but suggests the expediency of a communication from the king to Congress, expressing "his surprise

\* See Letter in the Appendix.

that the Newfoundland fisheries have been included in the new instructions; that the United States therein set forth pretensions, without any regard to the king's rights, and without considering the impossibility they are under of making conquests, *and keeping what belongs to Great Britain.*" He goes on to remark, that "it were even to be wished that this declaration be made while New-York, Charleston, and Penobscot are in the enemy's hands. Our allies will be *less tractable* than ever upon these points whenever they recover these important posts."\*

The *new* instructions alluded to in the letter were probably certain instructions then under consideration in Congress, directing the commissioners in France to represent to that court, that the United States claimed the right of taking fish in the North American seas, and particularly on the Banks of Newfoundland; but not within three leagues of the shores held by Great Britain, or any other nation. It was this just and natural right, of which M. Marbois proposed the United States should be deprived by the interference of her ally. This letter, in Mr. Jay's opinion, disclosed the real wishes of the French court on the subject of the fisheries, as Rayneval's had done in relation to the boundaries; for he was not disposed to believe that either the charges des affaires or the secretary were ignorant of the policy of their employers, and were unconsciously labouring to thwart it. Being thus possessed of the views of France with regard to American claims, he proceeded to trace their probable connexion with Rayneval's

\* As doubts have sometimes been expressed of the authenticity of this letter, or at least the faithfulness of the translation, it may not be unimportant to state, that a gentleman employed in the foreign service of the United States informed the author, that being in Paris some time after the fall of Bonaparte, he became acquainted with M. Marbois, and conversed with him on the subject of this very letter; that he acknowledged it to be his, and admitted that the translation, although not in all respects entirely accurate, had yet done him no injustice.

secret departure for England. He conjectured that the objects of his mission were,—

1. To let Lord Shelburne know, that the demands of America to be treated by Britain as independent, previously to a treaty, were not approved or countenanced by France, and that the offer of Britain to make that acknowledgment in an article of the proposed treaty was, in Count Vergennes's opinion, sufficient.

2. To sound Lord Shelburne on the subject of the fisheries, and to discover whether Britain would divide it with France, to the exclusion of all others.

3. To impress Lord Shelburne with the determination of Spain, to possess the exclusive navigation of the Gulf of Mexico, and of their desire to keep us from the Mississippi; and also to hint the propriety of such a line as, on the one hand, would satisfy Spain, and, on the other, leave to Britain all the country north of the Ohio.

4. To make such *other verbal overtures* to Lord Shelburne as it might not be advisable to reduce to *writing*; and to judge from the general tenor of his lordship's answers and conversation, whether it was probable that a general peace, on terms agreeable to France, could be effected, in order that, if it could not, an immediate stop might be put to the negotiation.

Under these circumstances, he believed no time ought to be lost in counteracting the machinations of France; and he took a step no less remarkable for the boldness of its conception than for the promptitude with which it was executed. The day after he received Marbois's letter, he despatched a secret agent to the British secretary of state, concealing his mission, not only from the French government, but also from Dr. Franklin. This agent was Mr. Vaughan, an English gentleman then residing in Paris, and well affected to the American cause. He was instructed to represent to the British minister, that without an acknowledgment of American independence as a preliminary to a treaty, neither confidence nor peace could be reason-

ably expected ; that as Britain could not conquer the United States, it was her interest to conciliate them ; that England should not be deceived by the affected moderation of France, since the United States would not treat except on an equal footing : that it was the interest of France, but not of England, to postpone the acknowledgment of independence to a general peace ; that a hope of dividing the fisheries with France would be futile, as America would not make peace without them ; that the very attempt to deprive the United States of the navigation of the Mississippi, or of that river as a boundary, would irritate and inflame America ; and that such attempts, if successful, would sow the seeds of future war in the very treaty of peace.

Should it be thought that Mr. Jay attached more importance to Marbois's letter than was due to it, it should be recollected that the writer, previously to his going to America, had represented the French court at Munich as *charges des affaires*, and that ministers do not usually employ, as political agents, persons whose want of capacity renders them liable to mistake and to counteract the designs of their employers. The strictly confidential style of the letter marks the intimacy existing between the writer and Count Vergennes ; while the subsequent elevation of the former, first to the office of consul-general of the United States, and afterward to the intendancy of St. Domingo, shows that the zeal he had displayed against the claims of Congress had not injured his interests at home.\* In 1803, this gentleman was selected by Bonaparte to negotiate a treaty with the United States for the sale of Louisiana.

\* Mr. Adams thus wrote to the secretary for foreign affairs, 10th July, 1783 (*Am. Dip. Cor.* vol. vii. p. 68). "M. Marbois's letter is to me full proof of the principles of the Count de Vergennes. Why ? Because I know (for it was personally communicated to me, upon my passage home, by M. Marbois himself) the intimacy and confidence there is between these two. And I know, further, that letter contains sentiments concerning the fisheries diametrically opposite to those which Marbois repeatedly expressed to me

He has since published a history of that country, in which he incidentally alludes to the policy pursued by France towards her ally during and soon after the revolution, and, as one evidence of it, gives the following extract from the instructions of Count Montmorin, the successor of Vergennes, to the French envoy in the United States, viz., "It is not advisable for France to give to America all the stability of which she is susceptible. She will acquire a degree of power which she will be too well disposed to abuse."

What "*verbal overtures*" were made by Mr. Rayneval to the British Minister will probably never be known; but a note which he submitted to him has lately been published. It relates chiefly to points in dispute between England, France, and Spain. The only points bearing on the interests of the United States are the following:

"As the independence of America is a thing agreed upon, no remark needs be made on that subject.

"An arrangement for the fisheries of Newfoundland. This matter has been treated discursively with Mr. Fitzherbert. If the ideas which have been proposed to him are judged impracticable, I am persuaded they will be weighed with equity at Versailles."

As Great Britain had offered to grant independence to the United States *by treaty*, Mr. Rayneval's waiver of all remarks on the subject seems to intimate the acquiescence of France in the offer.

The nature of the propositions made by France to Mr. Fitzherbert, relative to the fisheries, can only be matter of conjecture. The hint, however, that if found impracticable

---

upon the passage, viz., 'That the Newfoundland fishery was our right, and we ought to maintain it.' From whence I conclude, M. Marbois's sentiments have changed by the instructions of the minister.

"M. de Rayneval's correspondence, too, with Mr. Jay. M. de Rayneval is a *chef de bureau*. But we must be very ignorant of all courts not to know, that an under-secretary of state dares not carry on such a correspondence without the knowledge, consent, and orders of his principal."

by Great Britain, they would not be insisted on, renders it not improbable that they contemplated a division of the fisheries between France and England, to the exclusion of the United States.

But, whatever may have been the objects of Mr. Rayneval's mission, that of Mr. Vaughan was attended with complete success. This gentleman returned to Paris on the 27th of September, accompanied by a courier bearing for Mr. Oswald a commission authorizing him to treat with the COMMISSIONERS OF THE UNITED STATES OF AMERICA.

The negotiation was now commenced, and in a few days the two American commissioners agreed with Mr. Oswald on certain preliminary articles, to be incorporated in the treaty of peace as soon as England and France should be ready to terminate the war; the United States being restrained by the treaty of alliance from making a separate peace. These articles were drawn by Mr. Jay, and were, in most respects, the same as those which were afterward signed. The boundaries given to the United States were more comprehensive than those finally obtained, and included nearly the whole of Upper Canada, with the entire lakes Ontario, Erie, and Huron. The Mississippi and the fisheries were amply secured.

These articles were forwarded to the English cabinet for its consideration, and, in the mean time, carefully concealed from the French government. On the 23d of October, Mr. Oswald was informed that the extent of the boundaries, and the absence of any provision for the tories, induced the ministry to hesitate in giving their sanction to the proposed articles, and that Mr. Strackey would be sent to Paris to confer on these topics. No objection was made to the article securing to the United States their right to the fisheries, nor indeed to any other of the provisions except the two mentioned.

An extract from Mr. Jay's private memoranda will here be interesting.

" 24th October.—Mr. Oswald told me he had received a

courier last night ; that our articles were under consideration ; and that Mr. Strackey, Mr. Townshend's secretary, was on the way to confer with us about them : he further said, he believed *this court* had found means to put a spoke in our wheel. He consulted me as to the possibility of keeping Mr. Strackey's coming a secret. I told him it was not possible, and that it would be best to declare the truth about it, viz. that he was coming with books and papers relative to our boundaries.

"Dined with Dr. Franklin. I found Mr. Rayneval there. Just after dinner, the Dr. informed me, that Rayneval had sent him word, that he would dine with him to-day, and would be glad to see me there. I told the Dr. what I had heard from Oswald about Strackey ; and that I thought it best not to say more to Rayneval than that we met with difficulties, and that Oswald expected to receive instructions in a few days.

"We retired with Rayneval. He asked how matters stood between us and Oswald. We told him that we could not agree about all our boundaries. We mentioned the one between us and Nova Scotia. He asked, what we demanded to the north. We answered, that Canada should be reduced to the ancient bounds. He then *contested our right to those back lands, &c. &c.*

"He asked what we expected as to the fisheries. We said, the same right we had formerly enjoyed. He contested the propriety of that demand ; adding some strictures *on the ambition and restless views of Mr. Adams*, and intimated that we might be contented with the *coast fishery*."

This coincidence between the language of the confidential secretary of Count Vergennes and that of the French charges des affaires at Philadelphia, in relation to the fisheries and the conduct of Mr. Samuel Adams, is of itself a strong evidence of the real views of the French cabinet. It is also remarkable that the French court (for we are authorized to regard Rayneval as speaking the sentiments of his employers) was thus discountenancing the

claims of its *allies* to the fisheries, *after* those claims had been admitted by Great Britain. This conversation throws some light upon the objects of Mr. Rayneval's late visit to England, and particularly upon the "ideas" respecting the fisheries, which, in his note to Lord Shelburne, he told him had been proposed to Mr. Fitzherbert.

On the 26th of October, Mr. Adams arrived; and "in him," said Mr. Jay to the secretary for foreign affairs, "I have found a very able and agreeable coadjutor." When we recollect the weight of responsibility which Mr. Jay had recently assumed, we may readily conceive the gratification he must have experienced on discovering in Mr. Adams a colleague of kindred feelings with his own. In his diary is the following entry:—"October 28th, Monday. Mr. Adams was with me three hours this morning. I mentioned to him the progress and present state of our negotiation with Britain—my conjectures of the views of France and Spain, and the part which it appeared to me advisable for us to act. *He concurred with me in sentiment on all these points.*"

Mr. Adams took an early opportunity to enlighten Dr. Franklin as to the real views of France. "I told him," says he in his journal, "without reserve, my opinion of the policy of this court, and of the principles, policy, and firmness with which Mr. Jay had conducted the negotiation in his sickness and my absence; and that I was determined to support Mr. Jay to the utmost of my power in the pursuit of the same system. The Dr. heard me patiently, but said nothing. The first conference we had afterwards with Mr. Oswald, in considering one point and another, Dr. Franklin turned to Mr. Jay and said, 'I am of your opinion, and will go on with these gentlemen without consulting this court.'"<sup>\*</sup> Thus was the opinion originally expressed by Mr. Jay of the impolicy of the instructions of Congress, amply confirmed by the fact that the three com-

\* American Diplomatic Correspondence, vol. vi.



missioners, including Dr. Franklin himself, found themselves compelled to disobey those instructions, that they might prevent a selfish ally from sacrificing the important rights and interests of their country.

A few weeks sufficed for the completion of the negotiation, and on the 30th November the provisional articles were signed by the American commissioners and Mr. Oswald. These articles amounted merely to a contract between Great Britain and the United States as to the terms of the treaty of peace, when that treaty should be made. Hence, although the war was nominally continued, there was no object left for which it should be prosecuted. All the claims of the United States were granted by these articles, and France was now compelled to settle her own terms with Britain, without being able to avail herself, in the negotiation, of her supposed influence over her ally.

Mr. Laurens, the fourth commissioner, reached Paris only the day before the articles were signed, and had thus the gratification of adding his signature to them.\*

It is due to Dr. Franklin to state, that he cordially united with his colleagues in maintaining the claims of Congress respecting boundaries, the Mississippi, and the fisheries. He never questioned either the justice or the importance of these claims; but he did question the propriety of making the success of these claims an ultimatum of peace, when Congress had not made it so. He did not, at first, feel himself at liberty to disregard the advice of the French minister, after being directed by Congress to follow it; nor could he persuade himself, that an ally who had expended so much blood and treasure in effecting the independence of his country, could view her future power and prosperity with jealousy. Had the Doctor been the sole commissioner, it is not probable that he would have penetrated the designs

\* At Mr. Laurens's suggestion, a clause was added, restraining the British from carrying away negroes from the United States.

of the French court, nor that he would have assumed the responsibility of violating his instructions. Yielding to the advice of Vergennes, he would have treated with Oswald under his first commission, consenting that the acknowledgment of independence should form an article of the treaty. But for this article, the court of St. James, instructed by that of Versailles, would have demanded certain concessions, and Count Vergennes would have assured him that the abandonment of the fisheries, the Mississippi and the territory adjoining it, were matters of necessity, not of choice; that on these points Britain was inflexible, and that France could not be expected to prolong the war solely to procure for the United States objects to which their title was, at least, questionable. Thus, urged on the one hand by France, and fettered on the other by his instructions, Franklin would, in all human probability, but with feelings of deep mortification and regret, have set his hand to a treaty sacrificing rights which he had himself ably and zealously maintained, and which he knew to be of inestimable value to his country.

It is much to the credit of Dr. Franklin, that although he differed in opinion from Mr. Jay, he did not counteract his measures, but faithfully concealed the negotiation with Oswald from the French government; that he took no offence at the mission of Mr. Vaughan, undertaken without his knowledge; and that he finally co-operated with Mr. Jay, and ever after retained his friendship for him, and named him one of the executors of his will. The difference between these two patriots was not one of zeal and devotion in the service of their country, but solely a question of duty under existing, and very peculiar circumstances.

That Dr. Franklin finally concurred with his colleagues as to the real views of the French court is apparent from the following passages in a letter from the commissioners to the secretary of foreign affairs,—a letter bearing the Doctor's signature. "*We knew this court and Spain to be against our claims to the western country. As we had reason*

*to imagine that the articles respecting boundaries, the refugees, and fisheries did not correspond with the policy of this court, we did not communicate the preliminaries to the minister until after they were signed.”\**

But, while Dr. Franklin was compelled by the evidence of facts to admit that the policy of the French court was adverse to the American claims, his charity imputed that policy to other than unfriendly feelings towards its confiding ally.

After the articles were signed, and the claims of the United States thus placed beyond discussion, the event was announced to the French minister. The count, in the irritation of the moment, wrote Dr. Franklin a reproachful letter :—

“You have,” said he, “concluded your preliminary articles without any communication between us, although the instructions from Congress prescribe that nothing shall be done without the participation of the king. You are about to hold out a certain hope of peace to America, without even informing yourself of the state of the negotiations on our part. You are wise and discreet, sir ; you perfectly understand what is due to propriety ; you have all your life performed your duties—I pray you to consider how you propose to fulfil those which are due to the king. I am not desirous of enlarging these reflections ; I commit them to your integrity.”

The day after it was known that the articles had been signed, Count Aranda met Mr. Jay, and tapping him on the shoulder, said, very significantly, “Eh bien, mon amie, vous avez tres bien fait.”

A circumstance occurred during this negotiation that strikingly evinced the anxiety of the French government to become acquainted with its details, and the unjustifiable means they used to obtain information. Mr. Jay was one

\* Am. Dip. Cor.

evening in conference with Mr. Oswald, when the latter, wishing to consult his instructions, unlocked his *escritoir*; when, to his astonishment and alarm, he discovered that the paper was missing. Mr. Jay smiled, and told him to give himself no concern about the document, as he would certainly find it in its place as soon as the minister had done with it. In a few days the prediction was verified. So well apprized was Mr. Jay of the artifices of the agents of the government, that while secrecy was important, he made it a rule to carry his confidential papers about his person.

In Mr. Jay's diary are found two extraordinary anecdotes, which, if true, convict the French government of a degree of perfidy and baseness rarely paralleled in history.

"21st October, 1782.—Visited Mr. Oswald; he told me that a Mr. Pultney had within a few days arrived here to place his daughter (a rich heiress) in a convent; that Mr. Pultney in confidence gave him the following anecdote, viz. That in the latter part of last winter, or beginning of last spring, there was an Englishman of distinction here who, in conversation with a friend of Mr. Vergennes, expressed his regret that the affairs of America could not be so arranged as to lead to peace. The friend mentioned this to Vergennes, who agreed to admit the Englishman to an audience on the subject. Accordingly, the Englishman and this friend waited upon the minister, who, in the conference, offered to divide America with Britain, and in case the latter agreed to the partition, that the force of France and Britain should be used to reduce it to the obedience of the respective sovereigns. On parting, the minister said that in case this offer should not be accepted, he reserved to himself the right of denying all that he had said about it; that this offer was refused, and that the friend in a letter to the Englishman had expressed his regret on the subject. Mr. Oswald told me further, that Mr. Pultney assured him that he received this information from the Englishman's own mouth. Mr.

Oswald spoke handsomely of Mr. Pultney's character. I advised him to trace the matter further, and if true, to get it properly authenticated, which he promised to do."

It appears from the date of this anecdote that it was told to Mr. Jay after the preliminary articles had been agreed on by the negotiators, but before they had received the assent of the British cabinet. It may therefore be supposed that the object of the communication was to prejudice the American commissioner against the French court, and thus to induce him more readily to yield to the objections which England might possibly make to the articles. Such a supposition will not apply to the following narrative, which was not given till after the preliminary treaty was signed, and all the great points in dispute finally settled.

"22d December, 1782.—Between 7 and 8 o'clock this evening I visited Mr. Oswald. After some general conversation he took occasion to say that Lord Mount Stuart, the son of Lord Bute, had dined with him to-day; and that he had also seen his brother Col. Stuart, who had served the whole war in America. He spoke of the colonel's aversion to the American war, and the account he gave of the want of discipline and the disorder which prevailed in the British army there. He passed several encomiums on the colonel's character; sometimes of the father and then of the sons', observing how unlike they were to what the father was supposed to be; though for his part, he believed that more sins were laid on his back than he had ever committed. He said that Lord Mount Stuart execrated the American war, and had shown him to-day several letters written by him at Turin (where he was ambassador) to Lord Hillsborough on that subject. Mr. Oswald asked me if I remembered what he had told me of Mr. Pultney's information about the propositions of Count Vergennes, to divide America with Britain. I told him I did. 'Well,' says he, 'the same kind of proposition was made to Lord Mount Stuart. His lordship brought with him here to

dinner his letter-book, which he did not choose to leave with his charge d'affaires, and in which he showed me his letters written with his own hand, (for he would not confide it to his secretary) to Lord Hillsborough; and the first letter was dated in the month of September, 1780; from which it appears that a Mr. Mally, who had formerly travelled with Lord Mount Stuart, and is an honorary professor at Geneva, and is employed to write the history of Hesse, &c., for which he receives annuities; a man, in short, well known among men of letters, was employed by Mr. Neckar to make overtures to Lord Mount Stuart, about putting an end to the war, by dividing America between Britain and France, the latter to have the eastern part.

Mr. Oswald also says that Lord Mount Stuart went to Geneva on the occasion, where he conversed with Mr. Mally, and that his lordship read to him out of his letter-book French letters from this Mr. Mally to his lordship on the subject, after his return to Turin: that this correspondence contains a very curious and particular account of French intrigues, particularly that Neckar wished for peace, because his system could only raise money enough to provide for old arrears and for current expenses; and were he obliged to sustain the expense of the war, he must break in upon it, and perhaps be disgraced; it also mentioned the intrigues to get De Sartine out of the marine department; and Mr. Oswald says that the overtures about America were conducted with a variety of precautions for secrecy, and with a stipulation or condition that both parties, in case they did not agree, should be at liberty to deny all that passed. He told me that my lord wrote strongly to Lord Hillsborough against the American war, and that the latter in answer told him it was a subject out of his line, and with which it was not proper for him to interfere. Lord Mount Stuart was offended with the minister for this, and he brought his letter-book with him to Mr. Oswald to show him the full state of the matter. Mr. Oswald said, that as he had told

me the affair of Mr. Pultney, he could not forbear mentioning this also, for it was a little strange that so extraordinary a matter should come so circumstantial and correspondent from such different and unconnected quarters. He desired me to consider this communication as very confidential, adding that he could say more, but that it would not be proper for him at present to enter into a detail of further particulars."

The high respect entertained for Mr. Oswald by the American commissioners precludes all suspicion that the facts above related were fabricated by him. How far he was imposed upon by his informants, how far his informants were themselves deceived, and how far these relations are correct or otherwise, are questions which probably will never be fully answered. It is not known what were Mr. Jay's sentiments on the subject. He recorded at the time the information he received, but without comment.

We have already mentioned Mr. Van Schaack as a firm but conscientious adherent to the British cause. This gentleman had suffered many privations and inconveniences in America, on account of his loyalty, certainly with the concurrence, if not in part through the agency of Mr. Jay. He had at last obtained permission to leave his country, and to settle in England. These circumstances had, for several years, suspended all intercourse between him and his former friend ; it was renewed by the following correspondence :

" TO JOHN JAY.

" London, 11th August, 1782.

" (Rathbone-place) No. 20, Charlotte-street.

" DEAR SIR,

" Though I have taken up my pen to write to you, I own I hardly know what to say ; embarrassed as I am by a consideration of the strange predicament we stand in to each other, compared with our connexion in earlier life.

I write, therefore, without any precise object, trusting to what chance (if any thing it should) may produce from it. One thing, however, I must premise, which is, that I have no design of making this introductory to any improper request. Pride, or whatever it may be called, will restrain me from any application that might expose me to the mortification of a refusal; and I am not so weak as to *attempt* to prevail in any matter inconsistent with your *duty*, and in *your* sense of it. The impressions of my youth are not easily effaced; and the new scenes I have passed through have not altered my old notions of right and wrong. *Cælum, non animum*. Whether what has passed has altered your opinion of me as *a man*, I own, is a question I could wish to have resolved. The artificial relations, introduced by a state of society, may vary or be dissolved by events and external circumstances; but there are others which nothing but deviation from moral rectitude can, I think, annihilate.

“I congratulate you on the increase of your family, and sincerely wish you and Mrs. Jay every domestic happiness.

“I am, dear sir,

“Your most obedient servant,

“PETER VAN SCHAACK.”

“TO PETER VAN SCHAACK.

“Paris, 17th Sept., 1782.

“DEAR SIR,

“Dr. Franklin sent me this morning your letter of 11th August last: I thank you for it. Aptitude to change in any thing never made a part of my disposition, and, I hope, makes no part of my character. In the course of the present troubles I have adhered to certain fixed principles, and faithfully obeyed their dictates, without regarding the consequences of such conduct to my friends, my family, or myself; all of whom, however dreadful the thought, I have



ever been ready to sacrifice, if necessary, to the public objects in contest.

“Believe me, my heart has nevertheless been, on more than one occasion, afflicted by the execution of what I thought, and still think, was my duty. I felt very sensibly for you and for others ; but as society can regard only the political propriety of men’s conduct, and not the moral propriety of their motives to it, I could only lament your unavoidably becoming classed with many whose morality was convenience, and whose politics changed with the aspect of public affairs.

“My regard for you, as a good old friend, continued notwithstanding. God knows, that inclination never had a share in any proceedings of mine against you ; from such ‘thorns no man could expect to gather grapes ;’ and the only consolation that can grow in their unkindly shade is a consciousness of doing one’s duty, and the reflection that as, on the one hand, I have uniformly preferred the public weal to my friends and connexions ; so on the other, I have never been urged by private resentment to injure a single individual.

“Your judgment, and consequently your conscience, differed from mine on a very important question ; but though, as an independent American, I considered all who were not for us, and you among the rest, as against us ; yet, be assured, that John Jay did not cease to be a friend to Peter Van Schaack.

“No one can serve two masters : either Britain was right, and America wrong ; or America was right, and Britain wrong. They who thought Britain right were bound to support her ; and America had a just claim to the services of those who approved her cause. Hence it became our duty to take one side or the other ; and no man is to be blamed for preferring the one which his reason recommended as the most just and virtuous.

“Several of our countrymen indeed left, and took arms

against us, not from any such principles, but from the most dishonourable of human motives. Their conduct has been of a piece with their inducements, for they have far outstripped savages in perfidy and cruelty. Against these men every American must set his face and steel his heart. There are others of them, though not many, who, I believe, opposed us because they thought they could not conscientiously go with us. To such of these as have behaved with humanity, I wish every species of prosperity that may consist with the good of my country.

“You see how naturally I slide into the habit of writing as freely as *I used* to speak to you. Ah! my friend, if ever I see New-York again, I expect to meet with ‘the shade of many a departed joy.’ My heart bleeds to think of it.

“How is your health? Where and how are your children? Whenever, as a private friend, it may be in my power to do good to either, tell me. While I have a loaf, you and they may freely partake of it. Don’t let this idea hurt you. If your circumstances are easy, I rejoice; if not, let me take off their rougher edges.

“Mrs. Jay is obliged by your remembrance, and presents you her compliments. The health of us both is but delicate. Our little girl has been very ill, but is now well. My best wishes always attend you, and be assured that, notwithstanding any political changes,

“I remain, dear Peter,

“Your affectionate friend and servant,

“JOHN JAY.”

“TO JOHN JAY.

“London, 15th Oct. 1782.

“DEAR SIR,

“I will not attempt to describe my feelings upon the perusal of your very friendly letter. I consider it as a perfect picture, in which I can trace every well known

feature of your character. Your unreserved commemoration of our old friendship, and assurance of its continuance; your kind inquiries into the situation of me and my children, and generous offers with respect to both them and myself; and your pathetic allusion to the melancholy scenes you will meet upon your return to New-York, melted my heart; and every idea of party distinction or political competition vanished in an instant!

“The line you have drawn between your political character and your private friendships is so strongly marked, and will be so strictly attended to by me, that I hope our correspondence will not end here. Be assured, that were I arraigned at the bar, and you my judge, I should expect to stand or fall only by the *merits of my cause*.

“With respect to the great contest in which, unfortunately, I differed from others of my valuable friends as well as yourself, I can say with the most sacred regard to truth, I was actuated by no motive unfriendly to my country, nor by any consideration of a personal or private nature. Men’s hearts are not always known, even to themselves; but, believe me that I spared no pains in examining into all the secret recesses of mine. I can say, too, that my *wishes* were to have gone with you. The very appearance (and in my view of things it was appearance only) of taking part against my country distressed me in the extreme. Could it be for the sake of Great Britain that I could wish to sacrifice the welfare of my native country? My attachment to her (great indeed it was) was founded in the relation she stood in to America, and the happiness which I conceived America derived from it: nor did it appear to me, from any thing that had happened, that the connexion was dissolved. Upon the whole, as even in a doubtful case, I would rather be the patient sufferer, than run the risk of being the active aggressor; and as I should rather be even a figure for the hand of scorn to point its slow and moving finger at than to destroy the peace of my own mind, I concluded, rather than to

support a cause I could not approve, to bear every distress that might result from the part I took ; and if America is happier for the revolution, I declare solemnly that I shall rejoice that the side I was on was the unsuccessful one. You, my dear sir, will excuse my saying thus much on a subject so interesting to all that is dear to me in life. My heart warms whenever our country (I must call it my country) is the subject ; and in my separation from it, ‘I have dragged at each remove a lengthening chain.’

“I am sorry that the health of you and Mrs. Jay should be but indifferent ; and you have my most cordial wish that you may both again enjoy this invaluable blessing. Perhaps it would sound *equivocally* were I to express a wish that you would not attend so much to *public business*, but remember what Horace says of a wise and good man : ‘*Ultra quam satis est, virtutem si petat ipsam.*’ Your horse, I hope, is your only physician ; and as to an apothecary, I hope you will not require even an ass. My health, which you kindly inquire after, was never better, saving the complaint in my sight, which, however, gives me no *pain*. The one eye is quite useless, and two years ago I got an attack upon the other ; at that period, indeed, my friend, I wanted consolation ; but I bless God I found resources in my mind which very soon prepared me with resignation for the worst.

“As to my circumstances, my dear sir, they are quite easy ; rendered so by the provision my good father-in-law made for my children : were they otherwise, I know no man who could sooner induce me to invade my maxim against incurring pecuniary obligations than yourself, for between the professions and actions of my friend John Jay, I never yet have known one instance of a variance. My spirits, too, are good ; and I have a good circle of acquaintances, not only in town, but in the pleasant villages in its neighbourhood, where I frequently walk ten or twelve miles before dinner. Upon the whole, I believe few persons enjoy more social and convivial hours than I do ; and though I do

not so often partake of the 'feast of reason, and the flow of soul,' as I did at New-York, yet I ought rather to be thankful for my situation than to repine at my share of the public calamity, which has involved so many families in ruin.

"My children (I acknowledge it gratefully) have been permitted to remain at Kinderhook; which, by-the-by, is become the Athens of the county of Albany; Harry is represented to me as a lively boy, and has been examined and approved at Yale College: I hope the poor fellow will not be reproached with the *malignity* of his father; on my part, I assure you I have often cautioned my friends to take care not to let him imbibe any political prejudices on account of any ill usage he might possibly suppose I had received. I would not let him come to England, because I mean he should never leave America. If he has an American education, with a good share of the weighty bullion of American sense, I shall not regret his being unacquainted with the refinements of the Old World. Can you forgive me for dwelling so long on my private concerns? Your kind inquiries convince me you can. What a great theatre are you acting upon, and what a conspicuous part do you sustain! What a fund of information must you have collected; and, conscious of the rectitude of your measures, what must be your feelings upon the consummation! I have always considered you as one of the most formidable enemies of this country, but since what has happened, *has* happened, there is no man to whom I more cordially wish the glory of the achievement.

"My respectful compliments to Mrs. Jay; and

"Believe me, dear sir,

"Your affectionate friend, and sincere well wisher,

"PETER VAN SCHAACK."

Mr. Van Schaack returned after the peace to New-York, where he enjoyed the reputation of an eminent lawyer and estimable citizen. The friendship which dictated the foregoing letters was interrupted only by death.

“TO MRS. MARGARET LIVINGSTON.\*

“Paris, 26th August, 1782.

“DEAR MADAM,

“Your favour of the 21st of April reached me the 18th of July last, and is the only letter I have as yet been honoured with from you, the one you allude to having mis-carried; I regret its loss, for I am persuaded it was a friendly one.

“The first and only intelligence I have received of my father’s death is contained in your and Robert’s letters. That event was not unexpected, but my long absence greatly increased the bitterness of it. From the day I left him, I never ceased to regret that it was not in my power to soften his troubles by those soothing attentions and returns of gratitude which he had a right to expect, and which always make the most pleasing impressions on those by whom we have been the most highly obliged. His affection for me was unbounded, and he knew how sensible I was of it. He has had severe trials, but they are over. I have lost in him an honest friend and a kind father, who never denied me any thing, but from my youth was even studious to anticipate my very wishes. Thank God, there is another world in which we may meet and be happy. His being there is a new motive to my following his footsteps. I assure you, I know the value of Christian resignation: it has been friendly to me on several occasions, which may, perhaps, one day furnish us with matter for conversation. I thank you most sincerely for reminding me of the great business and purpose of my life. Such admonitions, so given, are never unseasonable, and always kind. I am persuaded that they who have no regard for their own souls will seldom have much for the happiness or interest of others; and I have learned to expect no sincere attachment from those whose principles of

\* Mother of the Hon. Robert R. Livingston, secretary for foreign affairs.

action are created by occasional convenience. These reflections afford a test for professions, and that test tells me to believe yours to be real, and to rely upon it accordingly. The regard and good opinion of the good, yield rational pleasure, and I value this ground of satisfaction too highly to omit any opportunity of cultivating it.

“I rejoice in Robert’s good health, and in that of his daughter: I believe every syllable you say of her temper and disposition, for unless by supposing some perverse cross, it would be difficult to account for her having a bad one. I should be happy if this blessing were to be soon followed by that of a son equally promising; for Claremont has my best wishes that it may administer affluence to a long succession of wise and good possessors.

“You ask me when we shall meet? I wish it was in my power to answer this question with certainty, but it is not; all I can say is, that one of my first wishes is to return, and to spend my days with a brother and sister whom I tenderly love, and whose afflictions I earnestly desire to alleviate by every proof of fraternal affection. It might, perhaps, be in my power to pass a more splendid and easy life on this, than on that side of the water, where the wrecks of the fortunes of the family afford no very flattering prospects. But as personal considerations ought to have no influence, I adhere to my first determination, that the term of my absence shall depend entirely on public convenience; which, in my opinion, will not detain me longer than until the conclusion of the treaties which are to terminate the war.

“Mrs. Jay assures you of her affection and respect: be pleased to present our compliments and best wishes to your good family; and believe me to be

“Dear madam,

“With sincere esteem and attachment,

“Your most obedient and very humble servant,

“JOHN JAY.”

Mr. Jay's health having suffered severely from the climate of Spain, and also from long and close application to business, he was induced, at the commencement of this year, to make an excursion into Normandy.

“ TO MRS. JAY.

“ Rouen, 9th Jan., 1783.

“ MY DEAR SALLY,

“ It is pleasant to observe the goodness of Providence in having made our duty and our happiness consist in the same acts. My attentions to you are stimulated by both these motives, and receive an additional inducement from the reflection that they are never uninteresting.

“ We arrived here last evening. The country between this and Paris appears to be fertile and well cultivated, and afforded us some agreeable views, notwithstanding the dull drizzling weather which accompanied us almost the whole of the way. Notwithstanding that unfavourable circumstance, I find myself rather better than when I left you; for I have more appetite and less pain in the breast than usual: as to sleep I still continue a stranger to it; though were it not necessary to health, I should not regret the loss of it.

“ As my principal object in this excursion is exercise, we shall set out for Havre on Saturday morning, where I shall stay only a day or two, and then return here. I am told there will probably be much commerce between that port and America. For that reason, I wish to take this opportunity of acquiring some further information respecting it than I now have. In case I should be soon wanted (which I don't think very probable), let me instantly know it. A letter under cover to Mr. Holker, at this place, will be carefully delivered. Remember me to our friends; kiss our dear little girl for me, and believe me to be,

“ Your affectionate

“ JOHN JAY.”



“TO MRS. JAY.

“Rouen, 18th Jan., 1783.

“MY DEAR SALLY,

“A little letter I wrote you this morning contained a promise of another by to-morrow’s post, and to perform it I am now retired to my room. I fear your expectations respecting the speedy recovery of my health are too sanguine. As I lost it by almost imperceptible degrees, the restoration of it will doubtless be gradual, and I shall think myself happy if I regain it on these terms. If my endeavours succeed, I shall be grateful; if not, I shall be resigned. I hope you will always consider these matters in their true points of view, and not permit vain hopes or causeless fears to distress either you or me. The more easy and happy you are, the more I shall be so also, and consequently the better prospects we shall both have of future health. I am better than when I left you, though not much. The weather has been and still is very unfavourable, but it must change soon, and, thank God, it cannot change for the worse.

“If the letter from the marquis came by the post, that is, if there are post-marks on the cover, send it to me; if not, keep it till I return; and observe the same rule as to all other letters you may receive for me.

“This town is daily amused with contradictory reports respecting peace; they are anxious about it, and with reason, for the uncertainty of its taking place holds commerce suspended, and injures the mercantile interest greatly. I am pleased with this city and the people of it; they are industrious and hospitable. Their manufactures are very considerable, and very proper for our country, with whom they will certainly have a great trade, unless it be fettered and embarrassed with superfluous regulations and ill-judged restrictions. I suspect the trade of this country stands in

need of revision very generally. Kiss our little girl for me, and believe me to be, my dear Sally,

“Your very affectionate husband,

“JOHN JAY.”

On the 20th January the negotiations for peace between the belligerent powers had so far advanced as to lead their several ministers to agree to a suspension of hostilities.

The American commissioners, having already secured by the preliminary articles the great object for which their country had contended, were now desirous of placing the future commercial intercourse between the United States and Great Britain on a safe and permanent footing, by the definitive treaty about to be made.

The negotiations on this subject were, however, extremely dilatory, and were ultimately rendered fruitless by the fluctuating counsels of the British cabinet. Mr. Oswald was recalled soon after the preliminary articles were signed, and it was not till the ensuing spring that Mr. David Hartly was appointed to succeed him. This interval afforded Mr. Jay a relaxation from public affairs, to which he had long been a stranger, but which his declining health prevented him from enjoying.

“FROM THOMAS JEFFERSON.

“Philadelphia, April 11th, 1783. 1

“DEAR SIR,

“In a letter which I did myself the honour of writing you by the Chevalier De Chastellux, I informed you of my being at this place with an intention of joining you in Paris; but the uncommon vigilance of the enemy’s cruisers, immediately after the departure of the French fleet, deterred every vessel from attempting to go out. The arrival of the preliminaries soon after showed the impropriety of my proceeding, and I am just now setting out on my return to Virginia. I cannot, however, take my departure without

paying to yourself and your worthy colleagues my homage for the good work you have completed for us, and congratulating you on the singular happiness of having borne so distinguished a part both in the earliest and latest transactions of this revolution. The terms obtained for us are indeed great, and are so deemed by your countrymen, a few ill-designing debtors excepted. I am in hopes you will continue at some one of the European courts most agreeable to yourself, that we may still have the benefits of your talents. Accept my warmest wishes for your happiness, and be assured of the sincerity with which I have the honour to be,

“ Dear sir,

“ Your most obedient and humble servant,

“ TH. JEFFERSON.”

The hope expressed in this letter, that Mr. Jay would continue at one of the European courts, was likewise entertained by Congress, who on the 1st May appointed him, in conjunction with Mr. Adams and Dr. Franklin, a commissioner to negotiate a treaty of commerce with Great Britain.

He had, however, already formed the determination to return as soon as duty would permit to his native country. The court of Spain, probably regretting the opportunity she had lost of forming a connexion with the new States before the acknowledgment of their independence, was now desirous to repair the error she had committed, and accordingly invited Mr. Jay to Madrid, to renew his negotiations. This invitation he did not feel himself at liberty to decline, and on the 22d April he thus expressed his intentions to the secretary of foreign affairs.

“ After the definitive treaties are finished, I hope I shall be excused in trying the waters of Spa or Bath (which are recommended to me), before I proceed to Spain. Whatever may be their effect, I shall not loiter at either place.

After my business at Madrid shall be finished, I wish to devote my care to the recovery of my health, and the concerns of my family, which must greatly interfere with the duties of my commission. Besides, as my country has obtained her object, my motives for entering into public life are at an end. The same principles which drew me from the private station I formerly occupied, bid me to return to it. Actions are the only sure proofs of professions, and if I live, mine shall not want that evidence."

It having been rumoured, that he was to be appointed after the peace, minister to England, he addressed the secretary for foreign affairs on the subject. "It cannot, in my opinion, be long before Congress will think it expedient to name a minister to the court of London. Perhaps my friends may wish to add me to the number of candidates for that office. If that should be the case, I request the favour of you to declare in the most explicit terms, that I view the expectations of Mr. Adams on that head as founded in equity and reason. He deserves well of his country, and is very able to serve her. I do in the most unequivocal manner decline and refuse to be a competitor with that faithful servant of the public, for the place in question."

The delicate state of his health induced him to abandon his design of returning to Spain, and especially as he foresaw that the delays attending the negotiation of the definitive treaty would necessarily detain him in France till the ensuing year. In a letter to the secretary for foreign affairs, after stating these considerations, he remarked, "As you know upon what principles I have devoted myself to the public for these nine years, and as those motives would become questionable, if after the war I did not return to a private station, I hope the propriety of my resolution to resign will appear manifest, especially when to these considerations are added the circumstances of certain individuals of my family, whose afflictions, and whose relation

to me, give them the strongest claims to my love and attention.\*

“Be pleased, sir, to present to Congress my warmest acknowledgments for the marks of confidence with which they have honoured me, and assure them, that by becoming a private citizen, I mean not to retreat from any duties which an American owes to his country.”

Paris had now become the scene of extensive and important negotiations, which were soon to result in the pacification of both Europe and America. The ministers of Great Britain, France, Spain, Holland, and the United States of America were assembled, and were engaged in adjusting the terms of the several treaties of peace. The preliminaries between all the powers except Great Britain and Holland were settled before the close of the summer; and there is no small reason for believing, that the stern conditions exacted by Britain from Holland were countenanced by an ally in whom the Dutch had reposed unmerited confidence. Holland was represented in the congress at Paris by two ministers; Mr. Jay obtained a copy of their instructions, and left it among his papers. From this document it appears that the Duke de Vauguyon, French ambassador at the Hague, had there performed a part similar to that acted by Count Luzerne at Philadelphia; and that through his representations the Dutch ministers were required to act in *concert* with the French court, and “*to make confidential communications of all things to them.*”

These instructions were certainly less humiliating than those obtained by Count Luzerne for the American commissioners, but they were attended with more disastrous consequences.

Mr. Adams, in a letter to his government of the 16th June, speaking of the difficulties experienced by the Dutch,

\* His blind brother and sister.

remarked: "And this difficulty *probably* arises from the instructions in question, by which they made themselves of no importance, instead of acting the part of a sovereign, independent, and respectable power. If they had held their own negotiations in their own hands, they would probably have obtained better terms."

The suspicions entertained by Mr. Adams in June were singularly confirmed in August. One of the Dutch ministers, then conversing with him on the conduct of Vergennes, observed, "He certainly deceived me. The States General did very wrong to bind me to leave so much to the French minister; but I thought him an honest man, and that I could trust him, so I left things to him according to my instructions, depending on his word, and at last I found myself the dupe."\*

"TO ROBERT R. LIVINGSTON.

"[Private.]

"Passy, 19th July, 1783.

"DEAR ROBERT,

"Our despatches by Barney must be ready the day after to-morrow. The many letters I have written and have still to write by him, together with conferences, company, &c. keep me fully employed. You will, therefore, excuse my not descending so much to particulars as both of us indeed might wish. As little that passes in Congress is kept entirely secret, we think it prudent at least to postpone giving you a more minute detail than you have already received, of the reasons which induced us to sign the provisional articles without previously communicating them to the French minister. For your private satisfaction, however, I will make a few remarks on that subject.

"Your doubts respecting the propriety of our conduct in that instance appear to have arisen from the following circumstances, viz.

"1st. That we entertained and were influenced by dis-

\* Letter of Mr. Adams to Sec. for Foreign Affairs.—Dip. Cor. vii. 150.

trusts and suspicions which do not seem to you to have been altogether well founded.

“2d. That we signed the articles without previously communicating them to this court.

“With respect to the first. In our negotiation with the British commissioner, it was essential to insist on, and, if possible, obtain his consent to four important concessions.

“1st. That Britain should treat with us as being what we were, viz., an independent people. The French minister thought this demand premature, and that it ought to arise from, and not precede, the treaty.

“2d. That Britain should agree to the extent of boundary we claimed. The French minister thought our demands on that head extravagant in themselves, and as militating against certain views of Spain which he was disposed to favour.

“3d. That Britain should admit our right in common to the fishery. The French minister thought this demand too extensive.

“4th. That Britain should not insist on our reinstating the tories. The French minister argued that they ought to be reinstated.

“Was it unnatural for us to conclude from these facts, that the French minister was opposed to our succeeding on these four great points, in the extent we wished? It appeared evident, that his plan of a treaty for America was far from being such as America would have preferred; and as we disapproved of his model, we thought it imprudent to give him an opportunity of moulding our treaty by it. Whether the minister was influenced by what he really thought best for us, or by what he really thought would be best for France, is a question which, however easy or difficult to decide, is not very important to the point under consideration. Whatever his motives may have been, certain it is that they were such as opposed our system; and as in private life it is deemed imprudent to admit opponents

to full confidence, especially respecting the very matters in competition, so in public affairs the like caution seems equally proper.

“Secondly. But admitting the force of this reasoning, why, when the articles were completed, did we not communicate them to the French minister before we proceeded to sign them? For the following reasons:

“The expectations excited in England by Lord Shelburne’s friends, that he would put a speedy period to the war, made it necessary for him either to realize those expectations or prepare to quit his place. The Parliament being to meet before his negotiations with us were concluded, he found it expedient to adjourn it for a short term, in hopes of then meeting it with all the advantages that might be expected from a favourable issue of the negotiation. Hence it was his interest to draw it to a close before that adjournment should expire; and to obtain that end, both he and his commissioner became less tenacious on certain points than they would otherwise have been. Nay, we have, and then had, good reason to believe, that the latitude allowed by the British cabinet for the exercise of discretion was exceeded on that occasion.

“I must now remind you that the King of Great Britain had pledged himself, in Mr. Oswald’s commission, to confirm and ratify, *not* what Mr. Oswald should *verbally agree to*, but what he should *formally sign his name and affix his seal to*.

“Had we communicated the articles, when ready for signing, to the French minister, he doubtless would have complimented us on the terms of them; but, at the same time, he would have insisted on our postponing the signature until the articles then preparing between France, Spain, and Britain should also be ready for signing—he having often intimated to us, that we should all sign at the same time and place.

“This would have exposed us to a disagreeable dilemma.



Had we agreed to postpone signing the articles, the British cabinet might, and probably would, have taken advantage of it. They might, if better prospects had offered, have insisted that the articles were still *res infectæ*—that Mr. Oswald had exceeded the limits of his instructions—and, for both these reasons, that they conceived themselves still at liberty to depart from his opinions, and to forbid his executing, as their commissioner, a set of articles which they could not approve of.

“It is true that this might not have happened, but it is equally true that it might; and therefore it was a risk of too great importance to be run. The whole business would, in that case, have been set afloat again; and the minister of France would have had an opportunity, at least, of approving the objections of the British court, and of advising us to recede from demands which in his opinion were immoderate, and too inconsistent with the claims of Spain to meet with his concurrence.

“If, on the other hand, we had, contrary to his advice and request, refused to postpone the signing, it is natural to suppose that such refusal would have given more offence to the French minister than our doing it without consulting him at all about the matter.

“Our withholding from him the knowledge of these articles until after they were signed was no violation of our treaty with France, and therefore she has no room for complaint, on that principle, against the United States.

“Congress had indeed made and published a resolution, not to make peace but in confidence and concurrence with France.

“So far as this resolution declares against a separate peace, it has been incontestably observed; and, admitting that the words “in confidence and in concurrence with France” mean that we should mention to the French minister and consult with him about every step of our proceedings, yet it is most certain that it was founded on a mutual

understanding that France would patronise our demands, and assist us in obtaining the objects of them. France, therefore, by discouraging our claims, ceased to be entitled to the degree of confidence respecting them which was specified in the resolution.

“It may be said, that France must admit the reasonableness of our claims, before we could properly expect that she should promote them. She knew what were our claims before the negotiation commenced, though she could only conjecture what reception they would meet with from Britain. If she thought our claims extravagant, she may be excusable for not countenancing them in their full extent; but then we ought also to be excused for not giving her the full confidence on those subjects, which was promised on the implied condition of her supporting them.

“But Congress positively instructed us to do nothing without the advice and consent of the French minister, and we have departed from that line of conduct. This is also true; but then I apprehend that Congress marked out that line of conduct for their own sake, and not for the sake of France. The object of that instruction was the supposed interest of America, and not of France; and we were directed to ask the advice of the French minister, because it was thought advantageous to our country that we should receive and be governed by it. Congress only, therefore, have a right to complain of our departure from the line of that instruction.

“If it be urged that confidence ought to subsist between allies, I have only to remark that, as the French minister did not consult us about his articles, nor make us any communication about them, our giving him as little trouble about ours did not violate any principle of reciprocity.

“Our joint letter to you by Captain Barney contains an explanation of our conduct respecting the separate article.

“I proceed now to your obliging letter of the 1st May, for which I sincerely thank you.

“This will probably find you at Claremont. I consider your resignation as more reconcilable to your plan and views of happiness, than to the public good. The war may be ended, but other difficulties of a serious nature remain, and require all the address and wisdom of our best men to manage.

“As Benson informed you that my family had no present occasion for supplies from me, I am more easy on that head than I have been. I have some fear, however, that they may rather have been influenced to decline my offers by delicacy with respect to me, than by the ease of their circumstances. I wish you would take an opportunity of talking freely with my brother Peter on this subject. Assure him that it would distress me greatly were he, or indeed any of the family, to experience embarrassments in my power to obviate. He may share with me to the last shilling; and so may Nancy, about whom, until within a day or two, I had been very uneasy. Tell them and Frederick that I mean, if God pleases, to return next spring; and that one of the greatest blessings of my life will be, that of rendering it subservient to their ease and welfare. I write to Frederick by this opportunity, and authorize him to draw upon me for £150, York money, to be divided between the three. If, on conversing with Peter, you should find it to be more convenient to him, be pleased to supply it, and draw upon me for the amount at thirty days’ sight.

“I have lately heard of Mr. Kissam’s death. It affected me much. He was a virtuous and agreeable man, and I owed him many obligations.

“Thinking of Mr. Kissam’s family calls to my mind the fate of the tories. As far as I can learn, the general opinion in Europe is, that they have reason to complain, and that our country ought to manifest magnanimity with respect to them. Europe neither knows nor can be made to believe what inhuman, barbarous wretches the greater part of them have been, and therefore is disposed to pity them more than

they deserve. I hope, for my part, that the States will adopt some principle of deciding on their cases, and that it will be such a one as, by being perfectly consistent with justice and humanity, may meet with the approbation, not only of dispassionate nations at present, but also of dispassionate posterity hereafter. My opinion would be, to pardon all except the faithless and the cruel, and publicly to declare that by this rule they should be judged and treated. Indiscriminate severity would be wrong as well as unbecoming; nor ought any man to be marked out for vengeance merely because, as King James said, he would make a *bonnie traitor*. In short, I think the faithless and cruel should be banished for ever, and their estates confiscated; it is just and reasonable. As to the residue, who have either upon principle openly and fairly opposed us, or who, from timidity, have fled from the storm and remained inoffensive, let us not punish the first for behaving like men, nor be extremely severe to the latter because nature had made them like women.

"I send you a box of plaster copies of medals. If Mrs. Livingston will permit you to keep so many mistresses, reserve the ladies for yourself, and give the philosophers and poets to Edward.

"Now for our girls; I congratulate you on the health of the first, the birth of the second, and the promising appearance of both. I will cheerfully be godfather to the latter: what is her name?

"Our little one is doing well. If people in heaven see what is going on here below, my ancestors must derive much pleasure from comparing the circumstances attending the expulsion of some of them from this country, with those under which my family has been increased in it.

"Since my removal to this place, where the air is remarkably good, the pain in my breast has abated, and I have now no fever. Mrs. Jay is tolerably well. Assure

Mrs. Livingston and our other friends with you of our regard.

“I am, your affectionate friend,  
“JOHN JAY.”

In the month of August, the negotiations between Mr. Hartley and the American commissioners terminated in an agreement to adopt the preliminary articles for the definitive treaty of peace. France and Spain had, by this time, both settled their respective terms of peace, and the 3d of September was appointed for signing the several treaties. On that day Mr. Jay had the gratification, in conjunction with his colleagues, of putting his name to an instrument that successfully closed the arduous contest, in which he had embarked at the first summons of his country, and in which he had zealously persevered at every hazard.

As the public concerns no longer required his presence in France, he resolved to try the efficacy of the Bath waters in restoring his health. Leaving his family in France, he repaired early in October to London, where he was almost immediately taken seriously ill. After a month's detention, he was able to proceed to Bath, and had the happiness to experience very essential benefit from the waters. In the ensuing January he returned to Paris with a large accession of health.

A letter written while at Bath to his friend Mr. Benson in America, discloses an amiable trait in his character. “If my old mare is alive, I must beg of you and my brother to take very good care of her. I mean that she should be well fed and live idle, unless my brother Peter should choose to use her. If it should be necessary to advance money to recover her, I am content you should do so, even to the amount of double her value. Draw upon me for what may be necessary for this purpose.” This mare had been given to him by his father, and had been

carried off by a party of marauders who, in the then unsettled state of the country, had plundered his father's family.

1784.] From Mr. Jay's return from England, to his departure in the spring for America, his time was but little occupied by public affairs, and this circumstance, together with his improved health, and the honourable result of the important negotiation in which he had been engaged, tended to render the remaining months of his residence in France peculiarly agreeable. He had now leisure to enjoy the polished and elevated society in which he moved; and for the first time for many years, he found himself relieved from anxiety and responsibility. But his present situation, however gratifying, could not divert his thoughts and wishes from his native country. His letters bear witness to his strong desire to return home without delay, and to his mortification at being obliged to postpone his departure.

Congress had appointed an accomptant in Europe (Mr. Barclay) to audit and settle the accounts of their ministers abroad. Mr. Jay had been engaged in large pecuniary transactions for the public; and no considerations could induce him by an immediate return to America to furnish grounds for a suspicion, that he wished to evade or postpone a settlement of his accounts. His secretary Mr. Carmichael had been left in Spain as charge des affaires, and that gentleman had in his possession all the vouchers respecting the public receipts and expenditures. It was necessary that these vouchers should be brought to Paris before a settlement could be effected with Mr. Barclay. But Mr. Carmichael, although earnestly urged by Mr. Jay, refused to leave Spain unless ordered to do so by Congress. Mr. Jay now found himself under the mortifying necessity of writing to Congress for an order requiring Mr. Carmichael's attendance at Paris, and of delaying his return to America till that order had been received and obeyed.

The order was granted, and Mr. Carmichael attended ; but in consequence of this delay, it was not till the month of May that he found himself in a capacity to leave Europe with propriety. Having settled all his accounts with Mr. Barclay, he departed from Paris with his family on the 16th May for Dover, where he embarked on board an American vessel for New-York.

---

## CHAPTER VII.

1784-88.

Mr. Jay lands in New-York—Presented with the Freedom of the City—Appointed Delegate to Congress—Accepts the Office of Secretary for Foreign Affairs—Notice of the first Voyage made by an American Vessel to China—He declines being a Candidate for Governor—Spanish Negotiation resumed in New-York—He proposes to Congress a Naval Establishment—His Controversy with Littlepage—Elected President of Manumission Society—His Sentiments and Conduct respecting Slavery—Difficulties attending the Spanish Negotiation—Mr. Jay's Report on the Infractions of the Treaty of Peace—His Sentiments on the Insufficiency of the Confederation—Letters on the Subject—Attends General Convention of the Episcopal Church—Measures leading to the Formation of the present Federal Government—Mr. Jay engages in writing the *Federalist*—Wounded in endeavouring to suppress a Mob—Writes an Address in behalf of the new Constitution—Elected to the New-York Convention—Proceedings of the Convention.

MR. JAY landed at New-York on the 24th July. When we recollect the objects which called him abroad, the various and trying scenes through which he had passed, and the circumstances under which he now returned to his country, we can readily sympathize in the warmth with which he announced his arrival in a letter to a friend. “At length, my good friend, I am arrived at the land of my nativity ;

and I bless God that it is also the land of light, liberty, and plenty. My emotions cannot be described."

The feelings with which he was greeted by his fellow-citizens may be inferred from an address presented to him by the corporation of the city of New-York, accompanied by the freedom of the city in a gold box.

*"To the honourable JOHN JAY, Esquire, late one of the ministers plenipotentiary of the United States of America for negotiating a peace.*

"SIR,

"Be pleased to accept the congratulations of the Mayor, Aldermen, and Commonalty of the city of New-York, on your safe return to the place of your nativity.

"The revolution, which hath secured our liberties and independence, will not be more celebrated for the illustrious events which have marked its progress, than for the roll of statesmen and heroes by whose wisdom and valour, under the Divine favour, it hath been established on the most solid basis.

Among these worthy patriots you, sir, are highly distinguished. In our own convention, in our first seat of justice, as a member and as president of the United States in Congress assembled, and as a minister plenipotentiary both in Spain and France,—you have executed the important trusts committed to you with wisdom, firmness, and integrity, and have acquired universal applause.

"While you thus possess the national confidence and esteem for a series of eminent services, we, your fellow-citizens, feel a singular pleasure in embracing this opportunity to present you with the freedom of your native city, as a public testimony of the respectful sentiments we entertain towards you, and as a pledge of our affection, and of our sincere wishes for your happiness."



“FROM R. R. LIVINGSTON.

“Claremont, 30th July, 1784.

“Permit me, my dear friend, to congratulate you on your return to your native shore, and to the friendly embraces of those who love you in every situation in which you have been or can be placed. My impatience to see you led me to New-York about three weeks since, where, from the time you had set for sailing, I thought it probable that you must have arrived before this. An unfortunate accident which has happened to my eldest daughter, who a few days ago broke her arm, obliges me to send you these cold expressions of my friendship, rather than comply with my wishes in offering them and receiving yours, in person. Having, as I hope, *concluded my political career*, I have no other wish left but that of spending the remainder of my life with those who have contributed so much to the happiness of its gayest period. Whether you entertain the same moderate wishes, whether you content yourself with the politics of this State, or whether you will engage in the great field that Congress have again opened to you, I shall still have the consolation to reflect that seas do not roll between us, that I may sometimes see you, and frequently hear from you. If you are not cured of your ambition, you have every thing to hope for both in the State and Continental line. I need not tell you, that I only wish to know your objects *that I may concur in them*.

“Believe me, dear John,

“Most sincerely and warmly your friend,

“R. R. LIVINGSTON.”

“TO R. R. LIVINGSTON.

“New-York, 18th Aug., 1784.

“Your kind letter of the 30th ult. was delivered to me yesterday by Mr. Lewis. I thank you very sincerely for your friendly congratulations on my return, and assure you

that among the pleasures I have long promised myself from it, that of renewing our former intercourse and correspondence is not the least. I lament the unfortunate accident which has happened to your oldest daughter, and which has deprived me of the satisfaction of meeting you here.

“I have had, and have, so many applications about papers and business, respecting causes in which I was formerly concerned, that I shall be obliged to pass a fortnight or three weeks here. When it will be in my power to pay you a visit is uncertain. I consider it as a pleasure to come, and shall endeavour to realize it as soon as possible.

“When I resigned my appointments in Europe, I purposed to return to the practice of the law; what effect the unexpected offer of Congress (of which I was ignorant until after my arrival here) may have on that design as yet remains undecided. How far either of us have been, or may be, under the influence of ambition are questions which, however clear to ourselves, must necessarily be less so to others.

“Present my affectionate compliments to your mother and Mrs. Livingston. Remember me to all the family.

“Yours, sincerely,

“JOHN JAY.”

Although it had been the wish and intention of Mr. Jay to resume his profession, his country still claimed his services. The offer of Congress above alluded to was his appointment to the office of secretary for foreign affairs, before his departure from France. This office had been established in 1781, and was unquestionably the most responsible and important civil office under the confederation. The whole foreign correspondence of the nation, as well as that between the general and State governments, was conducted by the secretary. It was his duty to make reports to Congress on all subjects submitted by them to his consideration, and also to prepare plans of treaties, and instructions to ministers abroad. He was entitled to attend

the meetings of Congress, which then sat with closed doors, and to communicate to that body whatever information he might think proper. This office was first filled by Chancellor Livingston of New-York, and was resigned by him in December, 1782. At the request of Congress, he however consented to discharge its duties till a successor should be appointed; but no such appointment being made, he left the office in June, 1783. The delay of Congress arose from the difficulty they experienced in making a satisfactory selection. A day for going into the election was fixed no less than five times, and the election was as many times postponed. Twice the election was attempted, but no choice was made. On the 7th of May, 1784, as appears from the journals, Congress received a letter from Dr. Franklin, informing them that Mr. Jay expected to leave France in April. This intelligence seems to have relieved them from their embarrassment; for the same day they elected him to the vacant office.

When Mr. Jay first entered into public life, he had professed to be actuated solely by a desire to promote the independence of his country. When that object was attained, consistency (in his opinion) required him to descend from the station to which he had been elevated. He accordingly resigned his commissions as minister plenipotentiary to Spain, and minister for negotiating commercial treaties in Europe; and returned to his country a private citizen, neither enriched by her favours nor sharing in her government. But no principle of consistency required him to remain in private life. On the contrary, he had before his return expressly declared, "that should he find it his duty to devote more of his time to the public, they should have it." He was not therefore deterred by any scruples of propriety from immediately accepting the place now tendered to him: his hesitation arose from other considerations. It was necessary that the secretary should be in constant attendance on Congress, and that body now sat at Trenton. The

circumstances of the country no longer exacted the sacrifice of private interests and social affections, and Mr. Jay could not consent immediately to remove again to a distance from his near and affectionate relatives, nor longer to omit that attention to his property which prudence required. Fully aware of the importance of secrecy in diplomatic affairs, he was moreover unwilling to assume the responsibilities of the office, unless by being permitted to select his own clerks, he could be well assured of their fidelity; but Congress had hitherto thought proper to retain the appointment of the clerks in this office in their own hands. Congress were not in session at the time of his arrival, nor were they to convene till the 1st of November; and hence it remained undetermined for some months, whether such arrangements would be made as might in his opinion render it proper for him to accept the place in question.

In the mean time the State Legislature met and appointed him one of their delegates to Congress; thus seizing the first opportunity of manifesting their continued confidence in his abilities and patriotism.

On Mr. Jay's return, he was pressed by the Baron de Steuben to accept an honorary membership of the Cincinnati; he answered that he was neither young enough nor old enough to desire that honour. He disapproved of the society, thinking it inconsistent with propriety and delicacy for the members to bestow upon themselves honorary badges and distinctions.

Before he took his seat in Congress his interest was solicited in behalf of a gentleman to whom he was personally friendly. His reply exhibits the principles which governed him in the exercise of official patronage.

“DEAR SIR,

“I have been favoured with yours on the subject of ——'s appointment to the vice-consulship of Marseilles. It is a rule with me never to give a decided opinion or promise

respecting matters of this sort, when there is a probability of my being concerned with others in a final determination on them, because joint measures should result from joint counsels. Whatever questions may arise in Congress about this matter, I mean to keep myself perfectly at liberty to decide thereon in such manner as may appear to me most conducive to the public good."

The session of Congress at Trenton proved a short one. The place was found inconvenient, and on the 23d of December Congress adjourned to New-York, which it was determined should be its future seat.

This determination, together with the permission granted to him to select his own clerks, induced Mr. Jay to accept the office of secretary for foreign affairs, and he immediately entered upon its duties.

1785.] As the office for foreign affairs had remained two years without a head, its business had so accumulated as to require for some time the unremitted attention and labour of the new secretary. The inconvenient and inefficient form of government established by the articles of confederation rendered this office peculiarly burdensome. Congress united in itself the whole legislative and executive power of the confederacy; hence its officers, with few exceptions, were merely ministerial. The secretary was the organ of communication with Congress on all subjects relating to foreign affairs, and many others. The official letters received by him were forwarded to the president, who laid them before Congress, by whom they were usually referred back to the secretary to report what notice it would, in his opinion, be proper to take of them. The secretary accordingly sent his report to the president, advising the passage of a resolution, the draught of which he transmitted, or an order of Congress directing him to return the answer which accompanied his report. This report was referred

to a committee, who generally made the secretary's report their own, and an order was passed giving him the necessary directions.

“ TO J. LOWELL.

“ Office for Foreign Affairs, }  
10th May, 1785. }

“DEAR SIR,

“I have been favoured with your obliging letter of the 18th March, and should sooner have thanked you for it, had not a variety of matters concurred in constraining me to postpone that pleasure till now.

“My endeavours, I assure you, shall not be wanting to put the affair of Mr. Saderstrom in such a train, as that it may be terminated to the satisfaction both of that gentleman and of his creditors.

“The report on his case was entirely dictated by public considerations; for considering the feeble state of our federal government, it appeared to me highly expedient that its tone should not only be prevented from becoming more relaxed, but that it should be invigorated in every manner and degree which our union and general interest might require, and a due regard to our constitutions and equal rights permit.

“It is my first wish to see the United States assume and merit the character of ONE GREAT NATION, whose territory is divided into different States merely for more convenient government, and the more easy and prompt administration of justice; just as our several States are divided into counties and townships for the like purposes.

“Until this be done, the chain which holds us together will be too feeble to bear much opposition or exertion, and we shall be daily mortified by seeing the links of it giving way and calling for repair, one after another.

“Accept my sincere acknowledgments for the very obliging terms in which you mention my appointment to

the office I now hold, and be assured of the esteem and regard with which

“I am, dear sir,

“Your most obedient and

“Very humble servant,

“JOHN JAY.”

The case alluded to in the foregoing letter was that of a Swedish consul, against whose recognition by Congress a remonstrance had been presented by his creditors, from an apprehension that an exequatur would protect him from arrest. The subject was referred to the secretary, who recommended a resolution declaring that all consuls in the United States were amenable to the laws for the offences they might commit, or the debts they might owe.

“FROM ROBERT MORRIS.

“Philadelphia, May 19th, 1785.

“DEAR SIR,

“On my return here I found your obliging letter of the 13th, which arrived during my absence. Our ship from China does tolerably well for the concerned; she has opened new objects to all America. A mandarin signs a passport for all European ships, directed to the commanders of two of the emperor’s forts on the river of Canton, nearly in the following words:—‘Permit this barbarian boat to pass; she has guns and men, consequently can do the emperor no harm.’ If the government of America could concentrate the force of the country in any one point when occasion required, I think our mandarins might grant similar passports to the rest of the world.

“I beg my compliments to the ladies, and am, with warm attachment,

“Dear sir,

“Your obedient and humble servant,

“ROBERT MORRIS.”

The vessel mentioned by Mr. Morris was the ship *Empress*; the first ever sent from the United States to China. So important was this enterprise deemed, that an official account of the voyage was addressed by the supercargo to the secretary, who laid it before Congress, and that body passed a resolution expressing their satisfaction at this successful attempt to establish a direct trade with China. The account of this voyage forms an interesting item in the early history of American commerce.

“TO JOHN JAY.

“New-York, 19th May, 1785.

“SIR,

“The first vessel that has been fitted out by the inhabitants of the United States of America, for essaying a commerce with those of the empire of China, being by the favour of Heaven safe returned to this port, it becomes my duty to communicate to you, for the information of the fathers of the country, an account of the reception their citizens have met with, and the respect with which their flag has been treated in that distant region; especially as some circumstances have occurred which had a tendency to attract the attention of the Chinese towards a people of whom they have hitherto had but very confused ideas, and which served in a peculiar manner to place the Americans in a more conspicuous point of view than has commonly attended the introduction of other nations into that ancient and extensive empire.

“The ship employed on this occasion is about three hundred and sixty tons burden, built in America, and equipped with forty-three persons, under the command of John Green, Esq. The subscriber had the honour of being appointed agent for their commerce, by the gentlemen at whose risk this first experiment has been undertaken.

“On the 22d February, 1784, the ship sailed from New-York, and arrived the 21st March at St. Jago, the principal



of the Cape de Verd islands. Having paid our respects to the Portuguese viceroy, and with his permission taken such refreshments as were necessary, we left those islands on the 27th, and pursued our voyage. After a pleasant passage, in which nothing extraordinary occurred, we came to anchor in the straits of Sunda on the 18th July. It was no small addition to our happiness on this occasion to meet there two ships belonging to our good allies the French. The commodore, Monsieur D'Ordelin, and his officers welcomed us in the most affectionate manner; and as his own ship was immediately bound to Canton, gave us an invitation to go in company with him. This friendly offer we most cheerfully accepted, and the commodore furnished us with his signals by day and night, and added such instructions for our passage through the Chinese seas as would have been exceedingly beneficial had any unfortunate accident occasioned our separation. Happily, we pursued our route together. On our arrival at the island of Macao, the French consul for China, Monsieur Vieillard, with some other gentlemen of his nation, came on board to congratulate and welcome us to that part of the world; and kindly undertook the introduction of the Americans to the Portuguese governor. The little time that we were there was entirely taken up by the good offices of the consul, the gentlemen of his nation, and those of the Swedes and Imperialists who still remained at Macao. The other Europeans had repaired to Canton. Three days afterward we finished our outward-bound voyage. Previous to coming to anchor, we saluted the shipping in the river with thirteen guns, which were answered by the several commodores of the European nations, each of whom sent an officer to compliment us on our arrival. These visits were returned by the captain and supercargoes in the afternoon; who were again saluted by the respective ships as they finished their visit. When the French sent their officers to

congratulate us, they added to the obligations we were already under to them, by furnishing men, boats, and anchors to assist us in coming to safe and convenient moorings. Nor did their good offices stop here; they insisted further that until we were settled, we should take up our quarters with them at Canton.

“The day of our arrival at Canton, August 30, and the two following days, we were visited by the Chinese merchants, and the chiefs and gentlemen of the several European establishments. The Chinese were very indulgent towards us. They styled us the *new people*; and when by the map we conveyed to them an idea of the extent of our country, with its present and increasing population, they were highly pleased at the prospect of so considerable a market for the productions of theirs.

“The situation of the Europeans at Canton is so well known as to render a detail unnecessary. The good understanding commonly subsisting between them and the Chinese was in some degree interrupted by two extraordinary occurrences; of which I will, with your permission, give a particular account.

“The police at Canton is at all times extremely strict, and the Europeans residing there are circumscribed within very narrow limits. The latter had observed with concern some circumstances which they deemed an encroachment upon their rights. On this consideration they determined to apply for redress to the *hoppo*, who is the head officer of the customs, the next time he should visit the shipping. Deputies accordingly attended from every nation, and I was desired to represent ours. We met the *hoppo* on board an English ship, and the causes of complaint were soon after removed.

“The other occurrence, of which I beg leave to take notice, gave rise to what was commonly called the *Canton war*, which threatened to be productive of very serious consequences. On the 25th November an English ship, in

saluting some company that had dined on board, killed a Chinese, and wounded two others in the mandarin's boat alongside.

“It is a maxim of the Chinese law that blood must answer for blood; in pursuance of which they demanded the unfortunate gunner. To give up this poor man was to consign him to certain death. Humanity pleaded powerfully against the measure. After repeated conferences between the English and the Chinese, the latter declared themselves satisfied, and the affair was supposed to be entirely settled. Notwithstanding this, on the morning after the last conference (the 27th), the supercargo of the ship was seized while attending his business, thrown into a sedan-chair, hurried into the city, and committed to prison.

“Such an outrage on personal liberty spread a general alarm; and the Europeans unanimously agreed to send for their boats, with armed men from the shipping, for the security of themselves and property until the matter should be brought to a conclusion. The boats accordingly came, and ours among the number; one of which was fired on, and a man wounded. All trade was stopped, and the Chinese men-of-war drawn up opposite the factories. The Europeans demanded the restoration of Mr. Smith, which the Chinese refused, until the gunner should be given up.

“In the mean while the troops of the province were collecting in the neighbourhood of Canton—the Chinese servants were ordered by the magistrates to leave the factories—the gates of the suburbs were shut—all intercourse was at an end—the naval force was increased—many troops were embarked in boats, ready for landing—and every thing wore the appearance of war. To what extremities matters might have been carried, had not a negotiation taken place, no one can say. The Chinese asked a conference with all the nations except the English. A deputation (in which I was included for America) met the *Fuen*, who is the head magis-

trate of Canton, with the principal officers of the province. After setting forth, by an interpreter, the power of the emperor and his own determination to support the laws, he demanded that the gunner should be given up within three days, declaring that he should have an impartial examination before their tribunal, and if it appeared that the affair was accidental, he should be released unhurt.

“In the mean time he gave permission for the trade, excepting that of the English, to go on as usual ; and dismissed us with a present of two pieces of silk to each, as a mark of his friendly disposition. The other nations, one after another, sent away their boats under protection of a *Chinese flag*, and pursued their business as before. The English were obliged to submit, the gunner was given up, Mr. Smith was released, and the English, after being forced to ask pardon of the magistracy of Canton in presence of the other nations, had their commerce restored.

“On this occasion I am happy that we were the last who sent off our boat, and that *without a Chinese flag* ; nor did she go till the English themselves thanked us for our concurrence with them, and advised the sending her away. After peace was restored, the chief and four English gentlemen visited the several nations (among whom we were included), and thanked them for their assistance during the troubles. The gunner remained with the Chinese, his fate undetermined.

“Notwithstanding the treatment we received from all parties was perfectly civil and respectful, yet it was with peculiar satisfaction that we experienced on every occasion from our good allies the French the most flattering and substantial proofs of their friendship. ‘If,’ said they, ‘we have in any instance been serviceable to you, we are happy ; and we desire nothing more ardently than further opportunities to convince you of our affection.’

“We left Canton the 27th December, and on our return refreshed at the Cape of Good Hope, where we found a

most friendly reception. After remaining there five days, we sailed for America, and arrived in this port on the 11th instant.

“To every lover of his country, as well as to those more immediately concerned in commerce, it must be a pleasing reflection that a communication is thus happily opened between us and the eastern extremity of the globe; and it adds very sensibly to the pleasure of this reflection, that the voyage has been performed in so short a space of time, and attended with the loss only of one man. To Captain Green and his officers every commendation is due, for their unwearied and successful endeavours in bringing it to this most fortunate issue, which fully justifies the confidence reposed in them by the gentlemen concerned in the enterprise.

“Permit me, sir, to accompany this letter with the two pieces of silk presented to me by the Fuen of Canton, as a mark of his good disposition towards the American nation. In that view I consider myself as peculiarly honoured, in being charged with this testimony of the friendship of the Chinese, for a people who may in a few years prosecute a commerce with the subjects of that empire under advantages equal, if not superior, to those enjoyed by any other nation whatever.

“I have the honour to be,

“With the most perfect respect, sir,

“Your most obedient and very humble servant,

“SAMUEL SHAW.”

The administration of the State government about this time, excited much dissatisfaction, and the attention of the public was turned to the selection of some person to fill the executive chair, in the room of the present incumbent. Many were anxious that Mr. Jay should be their next governor, and he was earnestly solicited to permit his name to be offered to the electors as a candidate for the office.

The following reply to an application of this sort exhibits the grounds of his refusal.

“TO GENERAL SCHUYLER.

“New-York, 10th June, 1795.

“DEAR SIR,

“What you say on a certain subject argues a degree of confidence and friendship which excites my warmest acknowledgments, and which shall always be returned on my part.

“I sincerely and frankly declare to you, that my being, and having long been employed by Congress, whose attachment and attention to me has been uniform, and who, in my absence, and without my knowledge or desire, gave me the place I now fill, will not permit me to quit their service, unless their conduct towards me should change, or other circumstances occur which might render such a step consistent with my ideas of propriety. This is my deliberate and mature opinion: a servant should not leave a good old master, for the sake of a little more pay or a prettier livery. Were I at present to accept the government if offered, the world would naturally be led to say and to believe, that I did it from some such paltry motives.

“Although I apprehend that this my answer will not correspond with the wishes which your friendly partiality for me suggests, yet when you put yourself in my stead, and consider what you would do on such an occasion, I think the same reasons which operate upon me, would have a similar influence upon you. The conduct of men is so generally (and so often with reason) imputed to interest or ambition, that they who are actuated by neither must expect such imputations, whenever circumstances expose their principles of action to doubt and question: the present case strikes me in that point of light. The place I hold is more laborious, requires more confinement and unceasing application, and is not only less lucrative but also less splendid

than that of the government. To exchange worse for better does not seem very disinterested; and when professions and facts give opposite evidence, it is easy to foresee which will obtain the most credit.

“If the circumstances of the State were pressing, if real disgust and discontent had spread through the country, if a change had in the general opinion become not only advisable but *necessary*, and the good expected from that change depended on me; then my present objections would immediately yield to the consideration, that a good citizen ought cheerfully to take any station which on such occasions his country may think proper to assign him, without in the least regarding the personal consequences which may result from its being more or less elevated; nor would there then be reason to fear, that Congress might consider my leaving their service as being inconsistent with that degree of delicacy and gratitude which they have a right to expect, and which respect for myself as well as for them demands from me.

“With sentiments of great and sincere regard,

“I am, dear sir,

“Your obliged and affectionate friend,

“JOHN JAY.”

It has been already mentioned, that after Great Britain had acknowledged the independence of the United States, Mr. Jay was invited by Spain to resume his negotiations at Madrid. The invitation was not accepted; and the United States, confident in their own strength, now showed no inclination to court the friendship of a power by whom they had been treated in their late struggle with coldness and duplicity. The treaty of 1783, which secured the permanency of the new republic, and guarantied to her, not only the territory on the eastern bank of the Mississippi, but also the navigation of the river itself, made Spain sensible of her

folly in rejecting the concessions which Mr. Jay had been reluctantly compelled to offer her. His Catholic Majesty, who had lately refused to acknowledge the American minister, now found it expedient to send his own, to solicit the friendship of the United States. In the spring of this year Don Diego Gardoqui arrived at Philadelphia, bearing a commission from the court of Spain to Congress. This gentleman, who had been acquainted with Mr. Jay in Madrid, received from him the following letter, which is a little curious, as showing the ceremonial with which foreign ministers were received by the old Congress.

“ TO DON DIEGO GARDOQUI.

“ Office for Foreign Affairs, 21st June, 1785.

“ SIR,

“ I have received the letter you did me the honour to write on the 2d June instant. The etiquette which will be observed on your reception by Congress is as follows, viz. :

“ At such time as may be appointed by Congress for a public reception, the secretary for foreign affairs will conduct you to the Congress chamber, to a seat to be placed for you, and announce you to Congress ; the president and members keeping their seats and remaining covered. Your commission and letters of credence are then to be delivered to the secretary of Congress, who will read a translation of them, to be prepared by the secretary for foreign affairs from the copies to be left with the president. You will then be at liberty to speak (and, if you please, deliver to the secretary of Congress in writing) what you may think proper to Congress, who will take what you may say into consideration, and through the secretary for foreign affairs will communicate whatever answer they may resolve upon.

“ When you retire, you will be reconducted by the secretary for foreign affairs. A visit will be expected by every member of Congress, as well those who may then be



intown, as others who may afterward arrive during your residence here.

"I hope the state of your health will soon be such as to admit of your coming to this city, before the heats of summer render travelling disagreeable.

"It will give me great pleasure to take you by the hand, and to assure you in person of the esteem and regard with which I am,

"Dear sir,

"Your most obedient

"And very humble servant,

"JOHN JAY."

The audience was had, and the part performed by Mr. Jay must have forcibly recalled to his mind the frequent warnings he had given the Spanish court of the rising greatness of the infant republic, as well as the indignities he had himself experienced as her representative. He had now the happiness of witnessing the legislators of his country assuming the part affected by monarchs, and listening to the plenipotentiary of Spain, standing uncovered before them, and declaring the affection of his master for them, his "great and beloved friends." To the speech of the minister no answer was returned directly by Congress, but a reply was sent to him in the name of the secretary for foreign affairs.

Mr. Jay was appointed by Congress to treat with the minister; and he had thus the singular satisfaction of conducting in his native city, at the instance of Spain herself, a negotiation which he had vainly attempted at Madrid.

He had, however, seen too much of the policy of Spain, and of the countenance afforded by France to her claims, to anticipate a favourable result from the present attempt. "I am not sanguine in my expectations," he remarked to Congress, "that a satisfactory termination of this negotia-

tion is practicable, in whatever way it may be managed; obstacles of weight and magnitude are in the way, and I am not without doubts of the possibility of removing them at present." His anticipations were fully realized; the navigation of the Mississippi presenting an insuperable obstacle to a treaty.

On the 7th September, Congress passed a secret act, limited to one year, giving Mr. Jay discretionary power to inspect letters in the post-office. The probable motive for this measure was a desire to discover the nature of the instructions sent from England, by the way of the United States, to the commanders of the military posts on the frontiers, which were held by the British contrary to the treaty of peace; and likewise to ascertain the object of certain warlike preparations that were said to be making in Canada. It is not known that the power thus given was ever exercised.

The following letter, and the report afterward made on it by the secretary, contain the first proposition for a navy made by any branch of the American government after the revolution.

"TO THE PRESIDENT OF CONGRESS.

"Office for Foreign Affairs, 13th October, 1785.

"SIR,

"Your excellency will find herewith enclosed a letter from Chevalier Jones of 6th August, and a copy of a letter (which is the same that is published in the Philadelphia paper of 11th instant) from Mons. Sontangés, dated 14th July last, to the judges and consuls of Nantes, informing that the Algerines had declared war against the United States.

"As their late peace with Spain has rendered their armaments unnecessary against that power, they probably choose to turn them against us to prevent their being useless, and in hopes of acquiring considerable booty. This peace, if

the public accounts of it are true, gives those pirates just matter of triumph ; and in this moment of their exultation, I am inclined to think that an advantageous treaty with them is not to be expected.

“ This war does not strike me as a great evil. The more we are ill-treated abroad the more we shall unite and consolidate at home. Besides, as it may become a nursery for seamen, and lay the foundation for a respectable navy, it may eventually prove more beneficial than otherwise. Portugal will doubtless unite with us in it, and that circumstance may dispose that kingdom to extend commercial favours to us further than they might consent to do, if uninfluenced by such inducements. For my own part, I think it may be demonstrated, that while we bend our attention to the sea, every *naval* war, however long, which does not do us essential injury, will do us essential good.

“ I have the honour to be, with great respect and esteem, your excellency's most obedient and very humble servant,

“ JOHN JAY.”

This letter was referred back to the secretary, to report what measures it would be proper to take. He recommended that all American built merchant vessels trading in the Mediterranean should be armed at the public expense ; and also that “ five forty gun ships should be forthwith built, and put under the direction of a brave and experienced commodore—that the Board of Admiralty should be organized and put in condition to execute its functions—and that a requisition should be made on the States for the supplies necessary for this purpose.”

These recommendations were not carried into effect, in consequence of the weakness of Congress and the little control it possessed over the States. Of the inadequacy of the existing government to the demands of a great nation, no one was more early or deeply sensible than Mr. Jay, nor more desirous to substitute for it, a government possessing

the energy necessary to protect and maintain the rights and interests of the Union; and his letters bear frequent testimony to his opinions and wishes on this subject.

Thus far the purity of Mr. Jay's life, both in private and public, had suppressed all open ebullitions of envy and malice. He was now, for the first time, arraigned at the bar of the public, and his accuser was a young man whom he had loaded with benefits.

We should not have encumbered our pages with the following effusion of malice and scurrility, had it not afforded us an opportunity of illustrating Mr. Jay's patience and kindness, and of exhibiting new attestations to his worth.

From the New-York Daily Advertiser, Dec. 6, 1785.

“ TO JOHN JAY, ESQ.

“ SIR,

“ While I admire your philosophic prudence, and render ample justice to your talents, give me leave to pay an equally sincere tribute to the qualities of your heart.

“ As this letter is in fact an appeal to the public, permit me to begin by recapitulating the motives which have conduced to it.

“ I was sent at an early period of life to Europe, recommended to your care and attention, in consequence of a previous engagement which you had formed with my friends, upon your being appointed minister to the court of Madrid. My abrupt departure from Virginia prevented my guardian from establishing at that time any funds for my support in Europe, and he only furnished me with a letter to you, requesting and authorizing you to make me the necessary advances for my expenses, *upon his account*.

“ This you continued to do until I left your family, certainly against your consent and advice, to serve as a volunteer in the army of Spain.

“I shall not further animadvert upon your subsequent conduct, unless you choose to renew the discussion.

“I was fortunate enough to find resources independent of you; and with respect to the past, never considered myself as *personally responsible* to you for the advances you had made *by order of my guardian*. You may also recollect, that before my departure from Paris, in 1784, I wrote to you upon the subject, informing you of my wish and efforts to settle the accounts, only from a principle of delicacy, as I expressly declared ‘that I did not consider myself as under any actual obligation for sums advanced to me while under age, upon the credit of my guardian; and which were *discontinued* as soon as subsequent circumstances seemed to invalidate his order, and place me in a more immediate state of personal responsibility.’

“Neither in your answer, nor upon any other occasion, did you demand, or even hint, that you expected payment *from me*. In a note of the 16th of March, 1784, you also informed me, that you had then taken no arrangements for your reimbursement in America; consequently, you could have no just cause of complaint against my guardian, who, until my arrival in Virginia, in July last, was actually ignorant of the amount of his debt to you.

“He informed me, that he had not heard directly from you since your return to America, although he had written several times to you to obtain an account of the sums advanced for me. The only letter which I wrote to him upon the subject never came to hand; upon settling my affairs with him, the debt to you was included in the expense of my education; consequently, he is responsible for it, and as such considers himself: of this I informed you upon my arrival here on the 18th ult., and at the same time assured you, in the name of my late guardian, that your reimbursement would not be delayed longer than circumstances render unavoidable. To that letter *I received no answer*. Why did you not *then* demand a settlement from

me? I informed you that I was on my return to Europe: you were still silent upon that subject; but in the course of your official correspondence with me respecting the letters of recommendation from the King of Spain, the Duke de Crillon, &c. &c., which were laid before Congress, and referred to you to report, you were made acquainted with my situation in Europe. I repeatedly informed you that I could for no consideration defer my return by the French packet, which would sail on the 6th instant. In consequence of your having delayed to make your report before the adjournment of Congress on Friday, I wrote to you, to request that you would, if possible, return me those letters; offering, although with the deepest regret, to give up every hope of an honorary distinction from Congress, rather than lose the opportunity of the packet, on board of which I was to embark on Monday.

“Yesterday I received a polite answer from you to that note; and a moment after, your whole system was developed.

“From every preceding circumstance, you justly concluded that my business in Europe was equally pressing and important; consequently, to throw an obstacle in my way would at once injure and distress me. The opportunity of a *safe revenge* is a temptation not to be resisted by an enemy like you.

“A moment after receiving your first note of yesterday, I was informed that you had taken out a writ against me for the amount of my guardian’s debt to you.

“The stroke was well-timed, and I really give you credit for it. Some time must necessarily elapse before I could hear from Virginia, where an earlier notice would have permitted me to make every necessary arrangement; in the mean time the packet would sail. Perhaps your malignity even extended to the hope of seeing me ignominiously dragged to prison, as you supposed me ill prepared to avert the blow.

“ I sincerely condole with you upon the failure of your plot, and still more upon your apprehensions of its consequences. But take courage : I respect the *servant of Congress*, and even as a man, I pity and despise you.

“ I am far, however, from considering you in the light of a contemptible enemy. The greatest political influence—a private character unsullied, because unknown—and above all, an apathy of disposition, which keeps you ever upon your guard, unite in giving you a decided advantage over an antagonist whose natural warmth of temper, and susceptible feelings, are so contrary to your own. Your refusal to answer my note of yesterday, I can easily account for upon the principles which have ever actuated your conduct towards me. You perhaps think yourself above the opinion of the world, and secure from censure under the mask of habitual gravity and austere importance. Reflect once more : consider you are by no means arrived at a period of life which inspires veneration, and dispenses with *punctilio* ; your brow is as yet *unwrinkled*, except by the assumed frown of ministerial solemnity and natural malevolence.

“ A sacrifice to the established laws of society, is by no means incompatible with the duties of office ; and above all, let the hope of successful revenge for once animate you to act a manly part.

“ I shall conclude with one more observation, and I believe not the least displeasing to you of this address. You have long been my enemy ; but by a strange fatality, your attempts to injure me have been invariably productive of advantage to me : having yourself pursued the wrong path to honour, you have involuntarily pushed me forward in the right ; and let it be an additional torment to your mind to be told, *that you have negatively done good*.

“ LEWIS LITTLEPAGE.

“ New-York, 4th Dec. 1785.

“ P. S. If you have any thing to answer, I desire it may

be inserted in to-morrow's paper, as I shall sail in the French packet, and I have reason to conjecture you will be disposed to take advantage of my absence."

The paper of the next day contained the following address :

"TO THE PUBLIC.

"Yesterday morning I received the following letter of the day before, from Mr. Littlepage.

"SIR :—Before I proceed to the last extremity, that is, *an appeal to the public*, be pleased to inform me whether you choose to enter into a discussion more consistent with the character and ideas of a gentleman. You must be convinced, from every preceding circumstance, that I can put but one construction upon your late extraordinary conduct, which is, a premeditated design to *injure and disgrace me*. If such was your intention, I certainly am at liberty to justify myself, and perhaps to retort upon you. I shall be happy to find myself mistaken, and if you condescend to explain your conduct, many disagreeable things may be yet avoided : your answer will be definitive. In the mean time, I have the honour to be &c.

"L. LITTLEPAGE."

"ANSWER.

"SIR :—I have received your letter of yesterday, and as it is as decent as any that can be expected from you, I prevail upon myself to write a line or two in answer to it.

"Not being conscious of having intentionally committed a single act of injustice or dishonour in the course of my life, I have nothing to apprehend from publication. Your threats, therefore, on that head operate on my mind like dust on a balance. Execute them ; publish when and what you please.

"As to personal discussion or correspondence with you, I mean and wish to have none ; and your memory cannot



be a good one, if it does not suggest to you my reasons for it.

“‘A premeditated design *to injure or disgrace you* is a base design, and consequently was never mine; I disclaim, deny, and reprobate it. If you wish to know why I sued you, I will tell you: it was to recover money you honestly owe me, and for which I am not to be satisfied by your assurances.

“‘I am, &c.

“‘JOHN JAY.’

“Mr. Littlepage has appealed to the public. Far be it from me to look with indifference on the opinion of the world; I was early taught to respect it, and my endeavours to merit the esteem and affection of my fellow-citizens have from my early youth been unremitted; how far I have succeeded they best can tell. On every occasion, where the propriety of my conduct may be arraigned before their impartial tribunal, I shall be ready to put myself on my trial, and to answer even to Mr. Littlepage for all such of my actions as respect him. This is the first time in my life that I have been so arraigned, and it is a little mortifying that it should now be by a young man, every part of whom, except his soul, had increased and grown while enjoying hospitality under my roof, and at my table.

“I have commenced an action against Mr. Littlepage for the recovery of a thousand and odd dollars, advanced to and for him in Spain. This proceeding, he says, is contrary both to justice and honour.—To justice, because ‘he never considered *himself as personally responsible to me for the advances I had made by order of his guardian.*’

“The first question on this point is, What orders I had from his guardian?

“The only letter which I ever in my life received from that gentleman, and whom I have never seen, was brought by Mr. Littlepage, and is in the words following:

“ ‘Virginia, New Kent County, November 20, 1779.

“ ‘SIR:—You will receive this from the hand of my nephew, Lewis Littlepage, the youth whom you was so kind as to promise my friend, Mr. Thomas Adams, to take into your care. I have a proper sense of your favour, sir, and hope he will behave in such a manner as to deserve your patronage. I should have sent him to you before your departure from Philadelphia, but was prevented by his falling into a bad state of health, from which he did not recover in time. Enclosed you will find some of his performances, by which you may judge of his genius for poetry. The Elegy on the Death of his Friend, Colonel Fleming, was wrote by him at the age of fifteen years and three months; the Ode on Death, and the translation of Horace’s ode, a few months after. I shall be anxious to hear how he answers your expectations. He sails for Bordeaux, where he will be accommodated by a merchant, and forwarded to Mr. Beaumarchais at Paris, and by him, or Mr. Gerard, will be sent to you at Madrid. *Those gentlemen are desired to draw upon you for whatever they may advance for him, which be pleased to pay, and it shall be punctually returned to you*

“ ‘By your most obedient and

“ ‘Humble servant,

“ ‘BEN. LEWIS.’

“ This letter does not authorize or desire me to advance a single shilling to Mr. Littlepage, but only to answer the bills which *Mr. Gerard or Mr. Beaumarchais* might draw upon me for *their advances to him*. Now, neither of those gentlemen ever drew any bills upon, or received any money from me, and, consequently, I never paid any money according to the request or authority mentioned in this letter. Whether any funds were provided for Mr. Littlepage’s further expenses, whether it was intended to remit

money from America to him or me for that purpose, or whether it was expected I should make all the advances, I am yet to learn. That Mr. Littlepage, who has often read this letter, and heard my remarks upon it, should say, in general terms, 'that it requested and authorized me to make the necessary advances for his expenses, upon his guardian's account,' is certainly saying more than the fact warrants. But although Mr. Lewis was under no express obligations to reimburse me, yet I certainly considered him as being under implied legal, as well as honorary ones.

"The next question is, Whether Mr. Littlepage is liable for the repayment of advances made while under age, or ever considered himself so?

"So far as this is a law question, it ought to be argued in a court of law, and not in a newspaper; but so far as it respects the mere fact of his considering himself responsible for it, it may be a proper point to be here discussed.

"What passed between us in conversation cannot be proved, but may be denied; let that therefore pass for nothing.

"In a letter of 8th October, 1781, in which he very rudely expostulated with me for not letting him have quite so much money as he then wanted, are these words:—'*Your conduct, perhaps, is influenced by apprehensions of loss, as you know I do not possess an affluent fortune. Fear not, sir; the generosity of an affectionate parent, and a worthy deceased relation, have left me above dependence.*'

"When at Passy, on the 6th day of July, in the year 1783, I presented to him an account of the moneys advanced by me, to and for him, he signed his name to it, and under his hand acknowledged it to be a just and true account. And will he now tell the public and me that he is not obliged to pay this just and true account? When he came here lately, he wrote me the following letter:

“ ‘ Maiden-lane, 18th November, 1785.

“ ‘ SIR:—I had the honour to call at your excellency’s house this evening to pay you my respects, and at the same time to inform you that every exertion has been made on *my part to acquit myself* of *my* pecuniary obligations towards you. I am sorry to add, that accumulated embarrassments prevented me from accomplishing it before my departure from Virginia, where I only arrived in July last, and am at present on my return to Europe. I have, however, taken explicit arrangements with my uncle on that head, and am authorized to make you the most positive assurances, on his part, that your reimbursement shall not be delayed longer than circumstances render unavoidable.

“ ‘ I have the honour to be,

“ ‘ With the most perfect respect, &c.

“ ‘ L. LITTLEPAGE.’

“ In this letter he admits his being under *pecuniary obligations* to me, which means that he *owes me money*; it mentions his having exerted himself to *acquit* himself of these *obligations*, which means, I suppose, that he had tried to get and to pay the money. His present conduct, indeed, renders his former meaning somewhat doubtful, for now he seems desirous of getting rid of these pecuniary obligations, not by discharging them, but by going to Europe and leaving them behind. It is true that I never demanded payment of him; for why demand payment from a man who had nothing to pay, and all whose supplies were drawn from other people’s purses, and mine among others?

“ So far as the *justice* of my conduct on this occasion may be in question, I flatter myself I shall stand acquitted by the public, especially when they are further told, that no part of my account is made up of interest, but that I have charged only the actual sums advanced by me out of pocket to this stranger, who lived free from cost in my house and family.

“The next question which remains to be discussed is, whether my conduct towards this young man is *dishonourable*; for justice, though exact, is not always honourable.

“I will endeavour to methodise his charges on this head. I think they may all be comprised in the following three, viz.

“1st. That I did not answer his letter of 18th November, nor express my content or discontent with the assurances contained in it.

“2d. That I did not sue him immediately on his arrival, but deferred it until he was about going away.

“3d. That I did not make a report to Congress in his case so soon as I ought to have done, for I knew he was going to Europe in the French packet.

“My answer to the two first of these charges will be two-fold: first, as resulting from the circumstances of this particular case; and secondly, from the point of light in which I have long and steadily viewed Mr. Littlepage—a point of light which rendered it exceedingly improper for me to have any avoidable connexion or correspondence with him.

“On Mr. Littlepage’s first arrival here, and for some time afterward, I did not mean to sue him; and therefore it was not necessary for me to say or write any thing to him on the subject. I then reasoned thus with myself: This young man comes here directly from Virginia, where he had seen and left his guardian; he brings no money for me, and though he brings assurances, yet he does not bring a single line from his guardian to establish them. It is possible that what he says may be true, but I have only his word for it, and that I know is worth very little; it certainly looks very much like a scheme to amuse me till he can set sail for Europe, and I certainly would be justifiable in suing him—but what shall I get by it? I have no reason to think he has much money or credit here. It will be best to let the matter rest, and continue to have patience.

“Afterward, viz. the day before I sued him, I very unexpectedly became acquainted with a circumstance which

convinced me, that he had more than money enough with him to pay me, and I issued a writ against him the next day. The event justified my opinion; for, on being arrested, he laid down the amount of the debt, and put it into the hands of Mr. Low, as a security for that gentleman's becoming his bail. Admirable ideas of honour, indeed! to have plenty of money in his pocket, and yet try to amuse an honest creditor with assurances till he could get out of the way.

"Whether it would, under such circumstances, have been dishonourable to sue any debtor, I cheerfully submit to the judgment of the impartial public. I say *any* debtor, because, with respect to me, Mr. Littlepage does not stand on equal ground with any man who now does or ever did owe me money.

"I now proceed to that part of my answer to the charge in question, which results from the point of light in which I have long and steadily viewed Mr. Littlepage; and I proceed to it with infinite pain and regret.

"This young man is thought well of by many; he has lived in my family—he comes here—he pays me a visit—he writes me a letter—and yet I take no notice of him, but I keep him at a distance, and even tell him that I wish and mean to have no personal discussions or correspondence with him. Such treatment, if unmerited, would be cruel; whether it is or not, is now the point in question.

"On the recommendation of some gentlemen from Virginia, whom I greatly esteem, I consented to take this Mr. Littlepage, a perfect stranger, whom I had never seen nor known, and with whom and whose family I had not the most distant connexion, under my care and protection; and was really happy in the prospect of being useful to a young gentleman, of whose parts and disposition they entertained a very favourable opinion.

"From circumstances very immaterial to this subject, it so happened that while Mr. Littlepage lived in my family, a coolness subsisted and continued between Mr. Carmi-

chael and myself. Whether it was with design to ingratiate himself with me, and render my advances to him the more liberal, or whether he was induced to it by a sense of my kindness to him, I know not; but the fact is, that he often communicated to me anecdotes of that gentleman's conduct and language, with which it was impossible that I could be pleased.

“When Mr. Littlepage took a fancy to go with the Duke de Crillon to Minorca, he urged every argument he could think of to obtain my consent, but without effect. Among others, he insisted largely on Mr. Carmichael's endeavours to oppose and misrepresent him, and how useful an acquaintance with the principal officers would be to frustrate the effects of such conduct in future. He enumerated many particulars, some of which were entirely new to me. I told him that these were delicate subjects; that I was in an unpleasant situation between him and Mr. Carmichael, and therefore wished to have every fact and reason which influenced him to persist in his project, against my advice and approbation, so ascertained as to be able at all times fairly and fully to state them; that verbal communications, whether of reasons or facts, were liable to be forgotten, as well as to be misrepresented, either by accident or design, and that the word even of an honest man hardly gains full credit in cases where he may be considered as interested; that I wished to have no open rupture with Mr. Carmichael on various accounts, and should endeavour to avoid it; but, nevertheless, that prudence recommended caution, and in case such a rupture should take place, I wished to have it in my power to prove whatever I might be obliged to say. I therefore wished he would write to me all the reasons which influenced him to propose going on the intended expedition. I told him, at the same time, that I would never make it public, unless the regard due either to my own reputation or his should render it necessary.

“He left me, and the next day sent me the following letter:

“ ‘Aranjuez, 15th June, 1781.

“ ‘DEAR SIR,

“ ‘Notwithstanding your friendly endeavours to dissuade me from my intention of accompanying the Duke of Crillon in the ensuing campaign, I find my inclination, honour, and, let me add, my interest too nearly concerned to admit the most distant idea of desisting. Perfectly convinced, however, of the generous and candid motives which influence your conduct, I think it indispensably incumbent on me to explain to you, in the most serious manner, my reasons for persevering.

“ ‘In this unhappy era of war and commotion, politicians and soldiers are equally necessary. At a distance from my native country, and consequently incapable of serving it immediately in a military line, I think it still my duty to embrace every opportunity of acquiring a degree of experience which may one day prove beneficial. Your partiality to my abilities induces you to suppose politics my proper sphere. Friendship seems more prevalent than judgment in that conjecture. My present object is the attainment of the Spanish language; the alternative is to retire to some village, or spend a few months in the army; the latter is infinitely more agreeable, less expensive, and more consistent with my future plans of life. Here, sir, permit me to call your attention to some minute particulars relative only to myself.

“ ‘Neither your friendship nor my own caution can, I find, protect me from the machinations of a powerful and insidious enemy. To his malicious insinuations I can alone impute that universal coldness with which every person in the least influenced by him continually avoids me. Suspicions to the prejudice of my character are infused into the minds of all who appear disposed to treat me with civility.

“ ‘Attempts have been, and are daily and hourly made to irritate and render me discontented with you; and at the same time to seduce me into pursuits which would tend to



lessen your good opinion of my honour and morals, the most infamous falsehoods have been reported, even to yourself, by the same perfidious and cruel author. Your secretary, Mr. William Carmichael, is the person to whom I allude.

“ ‘Justly incensed and disgusted at this unprovoked and inhuman treatment, actuated by the most honourable and ardent desire of exculpating myself from aspersions equally odious and illfounded, and of obtaining some degree of respect among my present deluded acquaintances, I have formed the design of entering, if possible, into the family of his grace of Crillon, and serving as a volunteer in the intended embarkation from Cadiz. The connexions which I may there form, the reputation which only a decent line of conduct will inevitably procure, may perhaps convince the world that malice, not candour, could injure me. Mr. Carmichael at first warmly opposed my intention; but at present, for obvious reasons, stimulates me to it with the most artful appearances of disinterested friendship.

“ ‘Whether I shall succeed or not is as yet uncertain; but whatever may be the event, these considerations maturely weighed will, I hope, induce you to think more favourably of the design of your excellency’s

“ ‘Most obedient humble servant,

“ ‘L. LITTLEPAGE.

“ ‘His excellency John Jay.’

“ ‘This letter, however, was not such as I wished and expected it would be, for instead of stating accurately the facts and transactions he had related to me respecting Mr. Carmichael, it for the most part deals in general charges, without adducing the evidence by which they were to be supported. It was the facts and not Mr. Littlepage’s conclusions from them that I wanted to fix; but I did not mention this to him, lest if he should make any alterations, they might on some future occasion be imputed to me.

“Mr. Littlepage soon after went to Minorca, and returned with much credit and commendation from the principal officers on that expedition; he resumed his place in my family, and continued in it until I came to Paris in the spring of 1782.

“As I had never received any other letter from his guardian but the one above mentioned, as no remittances had arrived or seemed likely to arrive, and my advances began to run high, I told Mr. Littlepage in the month of May, 1782, that I could go no further; that I was going to Paris, and that he must go to America, from whence, after arranging his affairs, he might, if he pleased, return to me. He begged hard that I would maintain him in Spain till he should again state his case to his guardian, and receive his answer. I at length consented, and allowed him until the month of March following, promising that I would in the mean time advance to him for his subsistence at the rate of fifty guineas a year, provided that he did not again go into the army.

“We parted very good friends; he promised to write to me, and I to him; and as, from his visiting and being well received by some of the first people, it was likely he might pick up some useful intelligence, I gave him a cipher.

“In the spring of the year 1784, Mr. Carmichael came to Paris to assist in settling the public accounts; when that business was finished, and I just about leaving Paris for America, he came to my house, and we went together into my private office. He expressed in a very handsome manner the uneasiness he experienced from the coolness which had unhappily existed between us, and wished that all cause for its further continuance might be removed by a free and friendly explanation. We accordingly entered into it with great temper, and discussed a variety of matters which are foreign to the present subject. I neither showed nor mentioned to him Mr. Littlepage’s letter, nor any of its contents. In the course of the conference he mentioned

him, and intimated that he had good reason to believe that Mr. Littlepage had played a *double game* between us ; that after I had left Madrid, he had *taken him into his house* and *lent him money* ; and that Mr. Littlepage had told him many things to my disadvantage, which to him appeared very *extraordinary* and *improbable* ; and, among others, *that I had left him at Madrid expressly to be a spy upon him* (Mr. Carmichael), *and had given him a cipher for the purpose of enabling him to convey to me his advices more safely and securely*. I assured Mr. Carmichael that it was, what I now most solemnly declare it to be, *a most impudent and most execrable falsehood* ; and he did not hesitate to say that he really believed it to be so ; and had there been no other questions between us but what arose from the tales of this *double dealer*, that conference would have ended all our differences, for *we both agreed that no credit was due to his reports*. But although I made no scruple of telling Mr. Carmichael that his suspicions of his double dealing tricks were well founded, yet I still forbore to mention or show him Littlepage's letter ; for I could not prevail upon myself by such a decisive and fatal stroke to destroy a plant which with a friendly hand I had been accustomed to water and protect ; and which it was possible, though not probable, might one day produce better fruit.

"I have, however, often since thought that I permitted my delicacy to carry me too far on that occasion, and that the justice due both to Mr. Carmichael and the world called upon me to make this man as contemptible in their eyes as, if he has any grace left, he must be in his own. His remaining at Madrid was his scheme, not mine, for I wanted him to go to America.

"In his letter to his guardian, of 15th May, 1782, of which I have a copy, he says—'Since my last of the 25th ult., Mr. Jay has received a summons to France, and will in consequence leave Madrid immediately. As no object, private or political, could justify my undertaking so expensive

a journey under my present circumstances, especially considering Mr. Jay's uncertain stay there, I have resolved, with his concurrence, to remain here till the month of March next, when I shall return to America, if your surprising and unaccountable silence still continues. He will advance as my exigencies may require, not exceeding fifty guineas per year, from the time of his departure till next March.'

"As, therefore, his remaining at Madrid was his own resolution, and to which I did not consent but with great reluctance, after long and strenuous importunity on his part, the man sinned against the most clear convictions of his own mind when he wickedly said '*that I had left him there to be a spy upon Mr. Carmichael.*'

"Had he been tempted to it by great provocation, it might have been some little palliation; but after having parted with me in a *friendly* manner, to go with my money in his pocket, and my meat still sticking in his teeth, to traduce and abuse me by such an atrocious falsehood; and to a man whom he himself had under his hand represented as one of the most vile,—and then to enter into the doors of that very man, and there smilingly enjoy his munificence and hospitality, is, to be sure, a stretch, a degree, a sublimation of corruption and depravity of which I have never known another instance (except perhaps in the character of Iago), and I pray God I never may.

"The candid and impartial public, before whom I stand, will, I am persuaded, think with me, that to such a one no compliments were due, and consequently that I have not acted a dishonourable part in arresting him without previous notice or ceremony.

"It remains that I should now answer to the last accusation brought against me by this false accuser, viz.

"That I did not despatch his business referred to me by Congress so soon as I ought to have done. Such a charge, if well supported, is a very serious one. When a public officer, high in trust and confidence, and sworn faithfully

to do the duties of his office, unnecessarily delays despatching the business of a man he does not like, merely to injure and perplex that man, he certainly is guilty of a very unwarrantable abuse of his station, and merits, not only censure, but punishment. The facts are as follows.

“ In the evening of the 25th November, I received at my house Mr. Littlepage’s letter of that day, with the papers mentioned in it.

“ In the morning of the next day, viz. of the 26th November, I transmitted them to Congress.

“ On the 30th November they were pleased to refer them to me to report, and they were brought to my office late in the afternoon, after I had left it.

“ On the next day, viz. 1st December, I immediately set about framing my report, wrote to Mr. Littlepage for certain information, and on receiving it proceeded to finish the report, though very late in the day ; and directed it to be copied, so that it might be sent to Congress the next morning.

“ On the 2d December the report was copied and transmitted to Congress between 12 and 1 o’clock. It nevertheless came too late to be read that day, for they had already adjourned ; but that was not my fault.

“ Whether this report savours of personality, or whether it bears the most distant marks of a dispute between him and me, I submit to the judgment and candour of that honourable body.

“ The truth really is, that though I was then exceedingly pressed by other business, and particularly the necessity of preparing despatches to go by the vessels then about to sail, and the packets soon expected to sail, yet the terms on which I stood with Mr. Littlepage induced me to postpone all business till his should be despatched ; in order that, by avoiding all delays, there might be no room whatever for the imputations which, with so much effrontery and injustice, he nevertheless labours to fix upon me.

“I admit that Mr. Littlepage wrote me a letter withdrawing his application, and desiring me *to give him* the letters which he had brought, and which were directed to his excellency the President of Congress. Those letters were not then in my possession ; they had, according to the usual practice in such cases, been returned, with my report, to Congress, and of this I informed him by letter ; but had they been yet in my office, I should not have thought myself authorized to give them to anybody without an order from Congress.

“Thus I have answered particularly, and I hope satisfactorily, to the several charges brought against me. But unless his future ones should be supported by better evidence than *his* word, I shall not, though I have further proofs of his corruption in my power, think it necessary or proper to give the public or myself any further trouble about him or his inventions.

“JOHN JAY.”

Three days after this, Littlepage published a long and abusive answer, and then left the country in the French packet ; having first deposited with his bail money to pay the debt.

Mr. Jay, not long after, published a pamphlet containing a voluminous correspondence that had passed between himself and his assailant. Seldom, if ever, has an attack tended, in its result, to elevate the character of him against whom it was directed so much as in the present instance. The correspondence exhibited in such strong and unequivocal colours, both the benevolence and forbearance of the accused, and the ingratitude and turpitude of the accuser, that in all the subsequent assaults made upon Mr. Jay by his political opponents, they never thought it prudent, in a single instance, to revive the recollection of Littlepage's charges.

This headstrong young man insisted on entering the

Spanish service ; and Mr. Jay, finding all remonstrances vain, advanced to him, from his own pocket, the pay of a Spanish captain for six months, and \$300 in addition for extra expenses. This liberality, however, did not satisfy the young volunteer, who had scarcely arrived at his destination before he demanded permission to draw upon his patron at discretion. This was of course refused, but nevertheless bills drawn by Littlepage were soon presented to Mr. Jay for payment, the funds already advanced having been quickly dissipated by folly and extravagance. Mr. Jay declined honouring these bills, and in consequence received many most insulting letters from his protégé. The following extract from a reply to one more than ordinarily abusive, affords ample proof of the kindness and forbearance with which this misguided young man was treated.

“Your letter renders it improper for me to attend further to your situation, than to offer you a retreat from your distresses. You may, if you please, resume your former place in my family, till either inclination or interest may induce you to quit it. My future behaviour to you will be regulated by the opinion you may give me reason to entertain of the propriety of your own. On being informed that this offer is acceptable to you, I will provide for the expense of your journey. I hope your answer will be conceived in terms proper for *you* to use, and for *me* to receive ; and that you will not, by a repetition of insults, reduce me to the necessity of leaving your subsequent letters, not only unanswered, but unopened.”

Littlepage's distresses at last repressed his insolence, and on the first indication of a returning sense of decency, Mr. Jay supplied him with money to bear his expenses to Madrid, and once more received him within his doors. In 1783 Littlepage repaired to Paris, and asked to be appointed the bearer of the definitive treaty to America. Another person received the appointment, on which Littlepage chal-

lenged Mr. Jay to a duel. The challenge charged him with duplicity respecting the appointment. This charge being disproved by Mr. Adams, Littlepage was induced to beg Mr. Jay's pardon.

It may perhaps be thought singular, that Mr. Jay should have deemed it necessary to vindicate himself from the calumnies of such a man. His reasons are given in the conclusion of the pamphlet:—"Mr. Jay regrets the necessity he found himself under of troubling the public or himself with any remarks on Mr. Littlepage or his compositions. Had he and they not been patronised by persons of more importance than himself, and had it not been probable that some of the numerous and tale-telling memoirs which will appear in the next century, would have related his calumnies as veritable facts and anecdotes, both they and their author would have been treated with silent neglect. Although at that period it will be indifferent to Mr. Jay whether good or evil be, and continue to be spoken of him, until the great day when truth will triumph; yet as his character will always be interesting to his family and posterity, he thinks it his duty, not only to take care that the principles and motives of his conduct be pure and virtuous for his own sake, but also that his reputation continue fair and spotless for their sake."

Some of the following letters explain the above allusion to Littlepage's patrons.

"TO THOMAS JEFFERSON, PARIS.

"New-York, 9th December, 1785.

"DEAR SIR,

"From the public papers which will go by the packet, you will perceive that a very indecent attack has been made upon me by a Mr. Littlepage, who was formerly in my family, and from whom I merit better things. It has so happened, that among the few enemies I have, the far



greater part are men on whom I have conferred essential benefits.

“This young man does not stand single. I have no reason to suspect that he is supported by more than one single American. It has been remarked to me from many quarters, that the persons who have stood behind him in this business are Frenchmen. What could have been their views can only be a matter of conjecture. Whatever may be the sentiments of their court respecting me, I am persuaded that such conduct will not recommend them to their minister, of whose good sense and respect for propriety I entertain too good an opinion, to suppose that such exertions of zeal can meet with his approbation.

“It has not escaped the notice of many, that the sailing of the packet has been delayed several days, although the wind was very fair, and until to-morrow, when a very abusive publication against me now in the press is to make its appearance early in the morning. What motives influenced this delay is apparent to me from certain circumstances not proper for me to mention, because communicated to me in confidence.

“I shall send soon a duplicate of this by a safe opportunity; if you receive this, please to inform me of it by the first opportunity.

“I am, dear sir,

“With great and sincere esteem and regard,

“Your most obedient and very humble servant,

“JOHN JAY.”

“TO JOHN ADAMS, LONDON.

“New-York, 2d Feb., 1786.

“DEAR SIR,

“I lately wrote you a few hasty lines just as the vessel was departing, and enclosed a pamphlet containing my correspondence with a Mr. Littlepage, who was formerly in my family.

“The attack which produced that pamphlet was not only countenanced, but stimulated by some of the subjects of our good ally here. It is no secret to either you or me that I am no favourite with them, nor have I any reason to apprehend that they are pleased to see me in the place I now fill. A minister whose eye is single, and steadily fixed on the interest of America, must expect to be opposed by the unfriendly influence of those whose wishes and measures he does not promote.

“I should have treated this attack with silent contempt, had not false facts been urged, propagated, and impressed with industry and art; and which, if not exposed and refuted, might have appeared after my death in the memoirs of some of these people.

“With great and sincere esteem and regard,

“I am, dear sir,

“Your friend and servant,

“JOHN JAY.”

“FROM THOMAS JEFFERSON.

“Paris, Jan. 25th, 1786.

“DEAR SIR,

“I received on the 18th instant your private favour of December 9th, and thank you for the confidence you are so good as to repose in me, of which that communication is a proof; as such it is a gratification to me, because it meets the esteem I have ever borne you. But nothing was needed to keep my mind right on that subject, and, I believe I may say, the public mind here. The sentiments entertained of you in this place are too respectful to be easily shaken. The person of whom you speak in your letter arrived here on the 19th, and departed for Warsaw on the 22d. It is really to be lamented that after a public servant has passed a life in important and faithful services—after having given the most plenary satisfaction in every station,—it should yet be in the power of every individual to disturb

his quiet, by arraigning him in a gazette, and by obliging him to act as if he needed a defence—an obligation imposed on him by unthinking minds which never give themselves the trouble of seeking a reflection unless it be presented to them

“Your quiet may have suffered for a moment on this occasion, but you have the strongest of all supports, that of the public esteem; it is unnecessary to add assurances of that with which I have the honour to be, dear sir,

“Your most obedient

“And most humble servant,

“TH. JEFFERSON.”

“TO JOHN JAY.

“Grosvenor-square, Feb. 14th, 1786.

“DEAR SIR,

“I have received your letter, enclosing two pamphlets; one of which I have sent to Mr. Jefferson by Colonel Humphreys, who sets out for Paris this morning.

“These letters will be sufficient to show any man of common decency the characters of the writers. On one side there is the condescension of a provident but indulgent father; on the other, the impertinence and ingratitude of a prodigal son, not yet reduced to the mortification of eating husks with the swine.

“What with the impudence of some of our young men, who, like Littlepage, are natives of America; and what with the assurance of some others, who assume the American character with less pretensions to it—our country suffers very much in its reputation.

“The scene to which I was witness is truly and candidly described, and I have so certified to Mr. Jefferson and others.

“It is indeed a mortifying consideration, that neither purity of character, rank in society, nor any degree of merit or reputation, should be a protection against such

rude and virulent attacks, which, however despised or resented by virtuous and judicious men, are commonly received and applauded, without thinking, by the profligate, and with malignity by the designing. Even such extravagants as Littlepage, as you and I have known before, are sometimes cherished and courted for the deliberate, though secret, purpose of doing business which cannot be done by fairer means.

“In this case I rely upon it that no injury will be done to you. The attempt is too gross.

“With great esteem and affection,

“I have the honour to be,

“Dear sir,

“Your friend and servant,

“JOHN ADAMS.”

“TO JOHN JAY.

“Charleston, March 27th, 1787.

\* \* \* \* \*

“I thank you for the copy of Mr. Adams’s letter. It was not wanted to convince me of your integrity. I have known you from the earliest period of your political life, and have seen too many proofs of your inflexible attachment to justice, and your sacred regard to truth, to be moved in my good opinion of you by the scurrilous reflections of an impudent and thankless boy. But others may have formed a less worthy opinion. In this part of the world, however, such an opinion shall not take root. Indeed, the youth is censured for his ingratitude, wherever the subject is mentioned. It is truly, my friend, a melancholy consideration, that such returns as you have experienced are too frequently made for the kindest actions. But, while they afford a disagreeable picture of human nature, they heighten the merit of our conduct, by giving to virtue no other reward than the reflection of having done well, from the most upright and disinterested motives. This consola-

tion will never leave you, and so long as it remains you will preserve the friendship of those whose esteem you value the most.

“Adieu, my dear friend,

“And believe me to be such to you for ever,

“ED. RUTLEDGE.”

“FROM G. MASON, JUN. ESQ.

“Lexington, July 23d, 1787. :

“DEAR SIR,

“I have lately seen a pamphlet containing a correspondence between you and our Virginia Quixote. I cannot think it was worth your while to have taken notice of his publication, though circumstances which I am not acquainted with might have made it necessary. I was much diverted with one paragraph in his last publication: ‘I abruptly left Richmond towards the last of October.’ Very probable; for I have been told, he had taken up money by drawing on fictitious characters in Europe; and I presume *towards the last of October* the bills were returning.” \* \* \* \*

It is now time to notice the early and consistent opinions and conduct of Mr. Jay on the subject of slavery. We have already seen that it was probably owing to his accidental absence from the New-York Convention, that the constitution then formed did not provide for the extinction of slavery in that State. In the year 1780, while in Spain he thus wrote to his friend Mr. Benson, the attorney-general of New-York:—

“The State of New-York is rarely out of my mind or heart, and I am often disposed to write much respecting its affairs; but I have so little information as to its present political objects and operations, that I am afraid to attempt it. An excellent law might be made out of the Pennsylvania one, for the gradual abolition of slavery. Till America comes into this measure, her

prayers to Heaven for liberty will be impious. This is a strong expression, but it is just. Were I in your Legislature, I would prepare a bill for the purpose with great care, and I would never cease moving it till it became a law, or I ceased to be a member. I believe God governs the world, and I believe it to be a maxim in his, as in our court, that those who ask for equity, ought to do it."

The union of principle and practice displayed in the annexed instrument will, it is hoped, excuse its insertion in this place.

*"To all to whom these presents shall come or may concern.* I, JOHN JAY, of the city of New-York, in America, Esq., but now residing at Chaillot, near Paris, in France, *send greeting.* WHEREAS, in the month of December, in the year 1779, I purchased at Martinico, a negro boy, named Benoit, who has ever since been with me :

"AND WHEREAS, the children of men are by nature equally free, and cannot without injustice be either reduced to or held in slavery ; and WHEREAS, it is therefore right, that after the said Benoit shall have served me until the value of his services amount to a moderate compensation for the money expended for him, he should be manumitted ; and whereas his services for three years more would, in my opinion, be sufficient for that purpose. Now, KNOW YE, that if the said Benoit shall continue to serve me with a common and reasonable degree of fidelity for three years from the date hereof, he shall ever afterward be a free man. And I do, for myself, my heirs, executors, and administrators, consent, agree, and declare, that all my right and title to the said Benoit shall then cease, determine, and become absolutely null and void, and that he shall thenceforth be as free to all intents and purposes as if he had never been a slave. In witness whereof, I have hereunto set my hand and seal, at Chaillot, the 21st day of March, in the year of our Lord 1784.

"JOHN JAY." (L. s.)

Early in 1785 a society was formed in New-York under the name of "The Society for promoting the Manumission of Slaves, and protecting such of them as have been or may be liberated." Of this society Mr. Jay was elected the president, and notwithstanding the pressure of his public business, he accepted the office, and actively discharged its duties.

To a gentleman who informed him that a free negro had been kidnapped at New-York, and carried to South Carolina for sale, he wrote :

"I have been favoured with your letter, and immediately communicated it to the committee of our society for promoting the liberation of slaves, and protecting such as may be manumitted. They are taking proper measures on the occasion, and I flatter myself that our Legislature will interfere to prevent such enormities in future.

"It is much to be wished that slavery may be abolished. The honour of the States, as well as justice and humanity, in my opinion, loudly call upon them to emancipate these unhappy people. To contend for our own liberty, and to deny that blessing to others, involves an inconsistency not to be excused.

"Whatever may be the issue of the endeavours of you and others to promote this desirable end, the reflection that they are prompted by the best motives, affords good reasons for persevering in them."

The hope expressed in this letter of legislative interference, was probably founded on a memorial to the Legislature, draughted by Mr. Jay, praying for an act prohibiting the exportation of slaves from the State. The language of the memorial was strong and unequivocal. It began: "Your memorialists, being deeply affected by the situation of those, who, free by the laws of God, are held in slavery by the laws of this State, view with pain and regret the additional miseries which those unhappy people experience from the practice of exporting them like cattle, and other articles

of commerce, to the West Indies and the southern States."

But Mr. Jay was, unhappily, far in advance of public opinion on the subject of slavery. It was only by slow degrees, and through the patient and persevering efforts of himself and a few other zealous pioneers, that the obstacles which retarded the progress of freedom were gradually removed, and slavery exterminated from the soil of New-York. He was permitted by Providence to witness in his old age this glorious consummation of his early wishes and labours.

In 1788 a society in France, and another in England, formed for promoting the abolition of slavery, opened a correspondence with the New-York society through its president. The following letter to the English society was from his pen.

"GENTLEMEN,

"Our society has been favoured with your letter of the 1st of May last, and are happy that efforts so honourable to the nation are making in your country to promote the cause of justice and humanity relative to the Africans. That they who know the value of liberty, and are blessed with the enjoyment of it, ought not to subject others to slavery, is, like most other moral precepts, more generally admitted in theory than observed in practice. This will continue to be too much the case while men are impelled to action by their passions rather than their reason, and while they are more solicitous to acquire wealth than to do as they would be done by. Hence it is that India and Africa experience unmerited oppression from nations who have been long distinguished by their attachment to their civil and religious liberties; but who have expended not much less blood and treasure in violating the rights of others, than in defending their own. The United States are far from being irreproachable in this respect. It undoubtedly is very inconsistent with their declarations on the subject of



human rights to permit a single slave to be found within their jurisdiction, and we confess the justice of your strictures on that head.

“Permit us, however, to observe, that although consequences ought not to deter us from doing what is right, yet that it is not easy to persuade men in general to act on that magnanimous and disinterested principle. It is well known that errors, either in opinion or practice, long entertained or indulged are difficult to eradicate, and particularly so when they have become, as it were, incorporated in the civil institutions and domestic economy of a whole people.

“Prior to the late revolution, the great majority, or rather the great body of our people had been so long accustomed to the practice and convenience of having slaves, that very few among them even doubted the propriety and rectitude of it. Some liberal and conscientious men had, indeed, by their conduct and writings, drawn the lawfulness of slavery into question, and they made converts to that opinion; but the number of those converts compared with the people at large, was then very inconsiderable. Their doctrines prevailed by almost insensible degrees, and was like the little lump of leaven which was put into three measures of meal: even at this day, the whole mass is far from being leavened, though we have good reason to hope and to believe that if the natural operations of truth are constantly watched and assisted, but not forced and precipitated, that end we all aim at will finally be attained in this country.

“The Convention who formed and recommended the new constitution had an arduous task to perform, especially as local interests, and in some measure local prejudices, were to be accommodated. Several of the States conceived that restraints on slavery might be too rapid to consist with their particular circumstances; and the importance of union rendered it necessary that their wishes on that head should, in some degree, be gratified.

“It gives us pleasure to inform you, that a disposition favourable to our views and wishes prevails more and more, and that it has already had an influence on our laws. When it is considered how many of the legislators in the different States are proprietors of slaves, and what opinions and prejudices they have imbibed on the subject from their infancy, a sudden and total stop to this species of oppression is not to be expected.

“We will cheerfully co-operate with you in endeavouring to procure advocates for the same cause in other countries, and perfectly approve and commend your establishing a correspondence in France. It appears to have produced the desired effect; for Mons. De Warville, the secretary of a society for the like benevolent purpose at Paris, is now here; and comes instructed to establish a correspondence with us, and to collect such information as may promote our common views. He delivered to our society an extract from the minutes of your proceedings, dated 8th of April last, recommending him to our attention; and upon that occasion they passed the resolutions of which the enclosed are copies.

“We are much obliged by the pamphlets enclosed with your letter, and shall constantly make such communications to you as may appear to us interesting.

“By a report of the Committee for superintending the school we have established in this city for the education of negro children, we find that proper attention is paid to it, and that scholars are now taught in it. By the laws of this State, masters may now liberate healthy slaves of a proper age without giving security that they shall not become a parish charge; and the exportation as well as importation of them is prohibited. The State has also manumitted such as became its property by confiscation; and we have reason to expect that the maxim, that every man, of whatever colour, is to be presumed to be free until the contrary be shown, will prevail in our courts of justice.

Manumissions daily become more common among us ; and the treatment which slaves in general meet with in this State is very little different from that of other servants.

“I have the honour to be, gentlemen,

“Your humble servant,

“JOHN JAY,

*“President of the Society for Promoting the Manumission of Slaves.”*

The society neither expected nor attempted to effect any sudden alteration in the laws relating to slavery, but its exertions were chiefly directed to the protection of manumitted slaves, and to the education of coloured children. Mr. Jay continued at the head of the society until he became chief justice of the United States, when, thinking it possible that questions might be brought before him in which the society was interested, he deemed it proper to dissolve his official connexion with it.

In the year 1798, being called on by the United States marshal for an account of his taxable property, he accompanied a list of his slaves with the following observations :

“I purchase slaves. and manumit them at proper ages, and when their faithful services shall have afforded a reasonable retribution.”

As free servants became more common, he was gradually relieved from the necessity of purchasing slaves ; and the two last which he manumitted he retained for many years in his family, at the customary wages.

1786.] The negotiation between Mr. Jay and the Spanish minister had been a long time suspended by the conflicting determination of the two governments, respecting the navigation of the Mississippi. Congress had expressly ordered the secretary to stipulate both for the territory claimed by the United States, and for the navigation of the Mississippi from its source to the ocean. Mr. Gardoqui, on the other hand, declared that the king would never permit any nation to use that river, both banks of which belonged to him, and

that the treaty between Great Britain and the United States could in no way affect his rights. The state of the negotiation left to the United States only the alternative of letting their claims lie dormant for the present, or of enforcing them by arms. Under these circumstances, Congress summoned the secretary before them on the 3d September, for the purpose of learning his views on the subject. He addressed them in a speech, which was reduced to writing and inserted on their minutes. He informed Congress that Spain was ready to grant the United States extensive and highly valuable commercial privileges; and that it was in her power, by her influence with the Barbary powers, and by her intimate connexion with France and Portugal, greatly to injure the commerce of America and to benefit that of England. But that at present, the questions respecting the Mississippi and the territorial limits prevented any commercial arrangements whatever; that his own opinion of the justice and importance of the claims advanced by the United States had undergone no change; but that, under present circumstances, he thought it would be expedient to conclude a treaty with Spain limited to twenty or thirty years, and for the United States to stipulate that they would, during the term of the treaty, *forbear* to navigate the Mississippi *below their southern boundary*. This opinion was founded on the consideration, that however important that navigation might ultimately be, it would not probably be very essential during the proposed term, and that therefore it might be good policy to consent not to use, for a certain period, what they did not want, in consideration of valuable commercial concessions.

This consideration was strengthened by the fact, that the United States could not at present possess themselves of this navigation, except by force of arms, and they were not in a condition at present to go to war with any nation whatever; and, moreover, that a large portion of the confederation would certainly refuse to bear the burden of a war

with Spain, for an object in which they were not immediately interested.

This speech gave great and lasting offence to the southern members of Congress, and a motion was made to revoke the commission that had been given to Mr. Jay to conduct the negotiation. This attempt to disgrace the secretary was supported by every delegate from the southern States, with a single exception, and was defeated by the unanimous vote of all the other members.

It is interesting to compare the consistency of Mr. Jay on this subject, with the fluctuating policy of those who now reprobated the advice he had given.

We have seen that his conviction of the future importance of the navigation of the Mississippi was so strong, that there was but one equivalent which he was at any time willing to receive for it; and this was, the independence of his country. While the result of the conflict was doubtful, and while Spain was at peace with England, he was disposed to relinquish this right on condition that Spain would acknowledge the independence of the United States, and make common cause with them in supporting it. But after Spain had engaged in the war for objects of her own, and after the victories in America had placed the independence of the country beyond hazard, there was nothing that Spain could offer, for which he would have bartered this important right. Far different, however, was the estimate which the southern States *then* placed on their claim to this navigation. So late as the 15th February, 1781, after a British army had been captured—after France had not only entered into an alliance with the United States, but had furnished them with large supplies of money and military stores—after her armies and fleets had co-operated with the American forces,—and after Spain had been added to the enemies of Britain, Congress, at the instance of the *Virginia* delegation, ordered Mr. Jay to make a formal surrender of the right to navigate the Mississippi, from the 31° of north

latitude to the ocean, on the sole condition that his Catholic majesty would permit American citizens to use the river so far as it bounded their own territory.

It is singular that the delegates from the same State, after the delivery of Mr. Jay's speech, should have introduced a series of resolutions, with a preamble, denying the right of Congress to *suspend* the navigation of the river *below* their territory by a treaty of commerce, because that would be to "dismember the government!"\*

The northern and eastern States, by a unanimous vote, which constituted a majority, acceded to Mr. Jay's views, and instructed him to make the acknowledgment by Spain of the territorial limits of the United States, as fixed by the treaty of peace, a *sine qua non*; and authorized him, if he found it necessary, to consent to a suspension of the navigation of the Mississippi below their southern boundary for twenty years.

The Spanish minister, however, would not consent to any stipulation whatever implying a right in the United States to the navigation in question. The negotiation was protracted, but agreeably to Mr. Jay's original expectation, proved fruitless, and was finally terminated by Mr. Gar-doqui's return to Europe.

By the treaty of peace Great Britain was bound to withdraw with all convenient speed her armies, garrisons, and fleets from every port, place, and harbour in the United States. Notwithstanding this positive stipulation, various military posts along the northern and western frontier of the United States, and within their acknowledged limits, continued to be garrisoned by British troops. This infraction of the treaty excited much uneasiness in Congress and among their constituents, and Mr. Adams, the American minister in London, was directed to present a remonstrance on the subject to that court. He accordingly, on the 30th

\* Secret Journal of Congress, vol. iv. p. 100.

November, 1785, addressed a memorial to the ministry, demanding the immediate removal of the garrisons from no less than seven specified posts in the United States. To this paper a reply was received, most humiliating to the United States. The British minister admitted, in the most explicit terms, that the detention of the posts was contrary to the treaty, and at the same time declared that it was his majesty's intention to act in perfect accordance with the strictest principles of justice and good faith. To reconcile this declaration with his conduct in regard to the posts, the minister called Mr. Adams's attention to the 4th article of the treaty, which stipulated "that creditors on either side should meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted." He then pointed out various instances in which British creditors, in manifest violation of the article, were debarred by the laws of several States from recovering their just debts; and he assured Mr. Adams that as soon as the United States should evince a disposition to observe the treaty on their part, his majesty would without delay manifest a corresponding disposition. This answer and the documents which accompanied it so incontestably established the infraction of the treaty by the State Legislatures, that Mr. Adams was left without a reply, and all he could do was to transmit the correspondence to Congress, by whom it was referred to the secretary for foreign affairs.

Neither Mr. Jay's patriotism nor his morality ever permitted him to palliate wrong, because committed by his country. On the 13th October he presented to Congress an elaborate report, in which he entered into a minute examination of the acts of the several States, and showed conclusively that Massachusetts, Pennsylvania, Virginia, South Carolina, and New-York had each been guilty of violating the provisions of the treaty. He next proceeded to inquire whether the conduct of Great Britain herself

had justified these acts. "Your secretary," observed the report, "is about to say unpopular things, but higher motives than personal considerations press him to proceed." He then alluded to certain slaves who had eloped from their masters during the war, and had been carried away by the British; they having accepted the protection offered to them by the royal commanders. He boldly vindicated the British for keeping their faith with these people; but maintained that the spirit of the treaty might and ought to be fulfilled by the British government paying to the masters an equivalent in money. The report then showed that the legislative acts, restraining the collection of debts due to British subjects, continued in force at and from the time the treaty was ratified by Congress, which was several months before it was ratified by England, and of course, that the first infraction of it was on the part of the United States. "Under such circumstances it is not a matter of surprise to your secretary that the posts are detained; nor, in his opinion, would Britain be to blame in continuing to hold them until America shall cease to impede her enjoying every essential right, secured to her and her people and adherents by the treaty."

He then advised Congress to declare that all laws enacted by the several States repugnant to the treaty should be repealed; and to recommend to the States to pass a general act for their repeal. He further proposed that Mr. Adams should be instructed candidly to admit that the treaty had been violated by the United States; and that he should be authorized to conclude a convention with the British government, by which the latter should be bound to pay for the negroes taken from New-York, and to surrender the posts as soon as all legislative acts, inconsistent with the treaty, should be repealed.

It is delightful to see a statesman thus bringing to the discussion of a great national controversy, and one in which the interests and passions of his countrymen were involved,



that strict and honest adherence to truth and justice which the moral sense of mankind requires in the affairs of private life, but which is too frequently, and without censure, dispensed with in politics.

Congress, in accordance with the advice of their secretary, called on the States to repeal such of their laws as were repugnant to the treaty ; but, unhappily, they had no power to enforce the call. There was no federal judicature to which the injured and oppressed foreigner could appeal for protection against the vindictive and unjust enactments of the State legislatures—no tribunal that could set aside, as void, a law that trampled upon the faith of treaties.

The inefficiency of the national government had long excited in Mr. Jay's breast deep and constant apprehension for the honour and welfare of his country. Personally, he was interested in the continuance of the confederation in its present form, as he enjoyed the most lucrative and influential station in the gift of Congress. But personal considerations never swayed his political opinions or conduct. His private letters and his reports to Congress bear ample testimony to his conviction of the unfitness of the existing system to the exigences of a great empire, and to his anxiety to substitute for it a government possessing the energy requisite to preserve the honour and vindicate the rights of the nation.

In his speech on the Spanish negotiation, he remarked that should Congress at present insist on the navigation of the Mississippi, " the Spanish posts on its banks would be strengthened, and that nation would there bid us defiance with impunity, at least until the American nation shall become more really and truly a nation than it is at present. For, *unblessed with an efficient government*, destitute of funds, and without public credit at home or abroad, we should be obliged to wait in patience for better days, or plunge into an unpopular and dangerous war, with very little prospect

of terminating it by a peace either advantageous or glorious."

A proposition to negotiate a loan in Europe being referred by Congress to the secretary, he reported :

"It appears to your secretary improper to open such a loan, even if the success of it was certain ; because the federal government, in its present state, is rather paternal and persuasive than coercive and efficient. Congress can make no certain dependence on the States for any specific sums, to be required and paid at any given periods, and consequently are not in capacity safely to pledge their honour and faith for the repayment of any specific sums they may borrow at any given periods, which must be the case if they should make this or any other loan."

Not only were Congress unable to command the pecuniary resources of the country, but they had no power even to regulate trade, so as to counteract the unfriendly regulations of other nations : each State having reserved to itself the right of imposing, collecting, and appropriating duties on its own commerce.

Mr. Jay's correspondence exhibits his views on this interesting subject.

" TO GEORGE WASHINGTON.

" New-York, 16th March, 1786.

" DEAR SIR,

" Although you have wisely retired from public employments, and calmly view from the temple of fame the various exertions of that sovereignty and independence which Providence has enabled you to be so greatly and gloriously instrumental in securing to your country, yet I am persuaded that you cannot view them with the eye of an unconcerned spectator.

" Experience has pointed out errors in our national government which call for correction, and which threaten to blast the fruit we expected from our tree of liberty.

The convention proposed by Virginia may do some good, and would perhaps do more if it comprehended more objects. An opinion begins to prevail that a general Convention for revising the articles of confederation would be expedient. Whether the people are yet ripe for such a measure, or whether the system proposed to be attained by it is only to be expected from calamity and commotion, is difficult to ascertain. I think we are in a delicate situation, and a variety of considerations and circumstances give me uneasiness.

“It is in contemplation to take measures for forming a general convention; the plan is not matured. If it should be well concerted and take effect, I am fervent in my wishes that it may comport with the line of life you have marked out for yourself to favour your country with your counsels on such an important and signal occasion. I suggest this merely as a hint for consideration, and am,

“With the highest respect and esteem,

“Dear sir,

“Your most obedient and very humble servant,

“JOHN JAY.”

FROM GENERAL WASHINGTON.

“Mount Vernon, 18th May, 1786.

“DEAR SIR,

“In due course of post I have been honoured with your favours of the 2d and 16th of March, since which I have been a good deal engaged, and pretty much from home.

“I coincide perfectly in sentiment with you, my dear sir, that there are errors in our national government which call for correction,—loudly I will add: but I shall find myself happily mistaken if the remedies are at hand. We are certainly in a delicate situation; but my fear is, that the people are not yet sufficiently misled to retract from error! To be plainer, I think there is more wickedness than ignorance mixed with our councils. Under this impression, I

scarcely know what opinion to entertain of a general Convention. That it is necessary to revise and amend the articles of confederation, I entertain *no* doubt; but what may be the consequences of such an attempt is doubtful. Yet something must be done, or the fabric must fall; it certainly is tottering! Ignorance and design are difficult to combat. Out of these proceed illiberality, improper jealousies, and a train of evils which oftentimes in republican governments must be sorely felt before they can be removed. The former, that is ignorance, being a fit soil for the latter to work in, tools are employed which a generous mind would disdain to use, and which nothing but time and their own puerile or wicked productions can show the inefficacy and dangerous tendency of. I think often of our situation, and view it with concern. From the high ground on which we stood, from the plain path which invited our footsteps, to be so fallen! so lost! is really mortifying. But virtue, I fear, has in a great degree taken its departure from our land, and the want of disposition to do justice is the source of the national embarrassments; for under whatever guise or colourings are given to them, this I apprehend is the origin of the evils we now feel, and probably shall labour under for some time yet.

“With respectful compliments to Mrs. Jay, and sentiments of sincere friendship,

“I am, dear sir,

“Your most obedient and humble servant,

“GEO. WASHINGTON.”

“TO GENERAL WASHINGTON.

“Philadelphia, 27th June, 1786.

“DEAR SIR,

“Being deputed by the Church Convention of New-York to attend a general one convened here, I brought with me your obliging letter of the 18th ult., that I might devote the first leisure hour to the pleasure of answering it.

“Congress having freed the papers, of which the enclosed are copies, from injunctions of secrecy, and permitted the delegates to make and send extracts from them to their different States, I think myself at liberty to transmit copies to you. These papers have been referred to me; some of the facts are inaccurately stated, and improperly coloured, but it is too true that the treaty has been violated. On such occasions I think it better fairly to confess and correct errors, than attempt to deceive ourselves and others by fallacious, though plausible, palliations and excuses. To oppose popular prejudices, to censure the proceedings and expose the improprieties of states, is an unpleasant task, but it must be done. Our affairs seem to lead to some crisis, some revolution, something that I cannot foresee or conjecture—I am uneasy and apprehensive; more so than during the war. Then we had a fixed object, and though the means and time of obtaining it were often problematical, yet I did firmly believe we should ultimately succeed, because I was convinced that justice was with us. The case is now altered; we are going and doing wrong, and therefore I look forward to evils and calamities, but without being able to guess at the instrument, nature, or measure of them.

“That we shall again recover, and things again go well, I have no doubt. Such a variety of circumstances would not, almost miraculously, have combined to liberate and make us a nation, for transient and unimportant purposes. I therefore believe that we are yet to become a great and respectable people; but when, or how, the spirit of prophecy only can discern.

“There doubtless is much reason to think and to say that we are wofully, and in many instances, wickedly misled. Private rage for property suppresses public considerations, and personal, rather than national interests, have become the great objects of attention. Representative bodies will ever be faithful copies of their originals, and generally ex-

hibit a checkered assemblage of virtue and vice, of abilities and weakness.

“The mass of men are neither wise nor good, and the virtue, like the other resources of a country, can only be drawn to a point and exerted by strong circumstances ably managed, or a strong government ably administered. New governments have not the aid of habit and hereditary respect, and being generally the result of preceding tumult and confusion, do not immediately acquire stability or strength. Besides, in times of commotion, some men will gain confidence and importance, who merit neither; and who, like political mountebanks, are less solicitous about the health of the credulous crowd, than about making the most of their nostrums and prescriptions.

“New-York was rendered less federal by the opinions of the late President of Congress. This is a singular, though not unaccountable fact—indeed, human actions are seldom inexplicable.

“What I most fear is, that the better kind of people, by which I mean the people who are orderly and industrious, who are content with their situations, and not uneasy in their circumstances, will be led by the insecurity of property, the loss of confidence in their rulers, and the want of public faith and rectitude, to consider the charms of liberty as imaginary and delusive. A state of fluctuation and uncertainty must disgust and alarm such men, and prepare their minds for almost any change that may promise them quiet and security.

“Be pleased to make my compliments to Mrs. Washington, and be assured that I am,

“With the greatest respect and esteem,

“Dear sir,

“Your obedient and humble servant,

“JOHN JAY.”

FROM GEORGE WASHINGTON.

"Mount Vernon, 15th Aug., 1786.

"DEAR SIR,

"I have to thank you very sincerely for your interesting letter of the 27th of June, as well as for the other communications you had the goodness to make at the same time.

"I am sorry to be assured, of what indeed I had little doubt before, that we have been guilty of violating the treaty in some instances. What a misfortune it is, that Britain should have so well grounded a pretext for its palpable infractions! and what a disgraceful part, out of the choice of difficulties before us, are we to act!

"Your sentiments, that our affairs are drawing rapidly to a crisis, accord with my own. What the event will be is also beyond the reach of my foresight. We have errors to correct. *We have, probably, had too good an opinion of human nature in forming our confederation.* Experience has taught us, that men will not adopt, and carry into execution, measures the best calculated for their own good, without the intervention of a coercive power. I do not conceive we can exist long as a nation, without having lodged somewhere a power which will pervade the whole Union, in as energetic a manner as the authority of the different State governments extends over the several States.

"To be fearful of vesting Congress, constituted as that body is, with ample authorities for national purposes, appears to me the very climax of popular absurdity and madness. Could Congress exert them for the detriment of the public without injuring themselves in an equal or greater proportion? Are not their interests inseparably connected with those of their constituents? By the rotation of appointment, must they not mingle frequently with the mass of citizens? Is it not rather to be apprehended, if they were possessed of the powers before described, that the individual members would be induced to use them, on many occasions, very timidly and inefficaciously for fear of losing their popularity

and future election? We must take human nature as we find it. Perfection falls not to the share of mortals. Many are of opinion, that Congress have too frequently made use of the suppliant, humble tone of requisition in applications to the States, when they had a right to assume their imperial dignity, and command obedience. Be that as it may, requisitions are a perfect nihility, where thirteen sovereign, independent, disunited States are in the habit of discussing and refusing compliance with them at their option. Requisitions are actually little better than a jest and a by-word throughout the land. If you tell the Legislature they have violated the treaty of peace, and invaded the prerogatives of the confederacy, they will laugh in your face. What, then, is to be done? Things cannot go on in the same train for ever.

“It is much to be feared, as you observe, that the better kind of people, being disgusted with the circumstances, will have their minds prepared for any revolution whatever. We are apt to run from one extreme into another. To anticipate and prevent disastrous contingencies would be the part of wisdom and patriotism.

“What astonishing changes a few years are capable of producing! I am told that even respectable characters speak of a monarchical form of government without horror. From thinking proceeds speaking; thence to action is often but a single step. But how irrevocable and tremendous! What a triumph for the advocates of despotism to find that we are incapable of governing ourselves, and that systems founded on the basis of equal liberty are merely ideal and fallacious! Would to God that wise measures may be taken in time to avert the consequences we have but too much reason to apprehend.

“Retired as I am from the world, I frankly acknowledge I cannot feel myself an unconcerned spectator. Yet, having happily assisted in bringing the ship into port, and having been fairly discharged, it is not my business to embark



again on a sea of troubles. Nor could it be expected that my sentiments and opinions would have much weight on the minds of my countrymen. They have been neglected, though given as a last legacy in the most solemn manner. I had then perhaps some claims to public attention. I consider myself as having none at present.

“With sentiments of sincere esteem and friendship,

“I am, my dear sir,

“Your most obedient and

“Affectionate humble servant,

“GEO. WASHINGTON.”

“TO JOHN ADAMS, LONDON.

“New-York, 4th May, 1786.

“DEAR SIR,

“I have been favoured with your letter, in which you mention Mr. Warren. Your opinion of that gentleman, added to the merits of his family, cannot fail to operate powerfully in his favour. I have communicated that letter to Mr. King, an able and valuable delegate from Massachusetts, who, I have reason to think, wishes well to you, and to all who, like you, deserve well of their country.

“Our friend Gerry has retired from Congress with a charming, amiable lady, whom he married here. I regret his absence; for he discharged the trust reposed in him with great fidelity, and with more industry and persevering attention than many are distinguished by. Mr. King has also married a lady of merit, and the only child of Mr. Alsop, who was in Congress with us in 1774. I am pleased with these intermarriages; they tend to assimilate the States, and to promote one of the first wishes of my heart, viz. to see the people of America become one nation in every respect; for, as to the separate legislatures, I would have them considered, with relation to the confederacy, in the same light in which counties stand to the State of which

they are parts, viz. merely as districts to facilitate the purposes of domestic order and good government.

“With great and sincere regard,

“I am, dear sir,

“Your friend and servant,

“JOHN JAY.”

“TO THOMAS JEFFERSON, PARIS.

“New-York, 18th August, 1786.

“DEAR SIR,

“It has happened, from various circumstances, that several reports on foreign affairs still lay before Congress undecided upon. The want of an adequate representation for long intervals, and the multiplicity of business which pressed upon them when that was not the case, have occasioned delays and omissions which, however unavoidable, are much to be regretted. It is painful to me to reflect, that although my attention to business is unremitted, yet I so often experience unseasonable delays and successive obstacles in obtaining the decision and sentiments of Congress, even on points which require despatch. But so it is; and I must be content with leaving nothing undone that may depend upon me.

“I have long thought, and become daily more convinced, that the construction of our federal government is fundamentally wrong. To vest legislative, judicial, and executive powers in one and the same body of men, and that, too, in a body daily changing its members, can never be wise. In my opinion those three great departments of sovereignty should be for ever separated, and so distributed as to serve as checks on each other. But these are subjects that have long been familiar to you, and on which you are too well informed not to anticipate every thing that I might say on them.

“I have advised Congress to renew your commission as

to certain powers. Our treasury is ill supplied—some States paying nothing, others very little; the impost not yet established; the people generally uneasy in a certain degree, but without seeming to discern the true cause, viz. *want of energy both in state and federal governments*. It takes time to make sovereigns of subjects.

“I am, dear sir,

“Your most ob’t. and very humble serv’t.

“JOHN JAY.”

“TO THOMAS JEFFERSON, PARIS.

“Office for Foreign Affairs, 14th Dec. 1786.

“DEAR SIR,

“The situation of our captive countrymen at Algiers is much to be lamented, and the more so as their deliverance is difficult to effect. Congress cannot command money for that, nor indeed for other very important purposes; their requisitions produce little, and government (if it may be called a government) is so inadequate to its objects, that essential alterations or essential evils must take place. If our government would draw forth the resources of the country, which, notwithstanding all appearances to the contrary, are abundant, I should prefer war to tribute; and carry on our Mediterranean trade in vessels armed and manned at the public expense. I daily become more and more confirmed in the opinion, that government should be divided into executive, legislative, and judicial departments. Congress is unequal to the first, very fit for the second, and but ill calculated for the third; and so much time is spent in deliberation, that the season for action often passes by before they decide on what should be done; nor is there much more secrecy than expedition in their measures. These inconveniences arise, not from personal disqualifications, but from the nature and construction of the government.

“If Congress had money to purchase peace of Algiers, or to redeem the captives there, it certainly would, according to their present ideas, be well to lose no time in doing both; neither pains nor expense, if within any tolerable limits, should be spared to ransom our fellow-citizens. But the truth is, that no money is to be expected at present from hence; nor do I think it would be right to make new loans until we have at least some prospect of paying the interest due on former ones.

“Our country is fertile, abounding in useful productions, and those productions in demand and bearing a good price; yet relaxation in government and extravagance in individuals create much public and private distress, and much public and private want of good faith.

“The public papers will tell you how much reason we have to apprehend an Indian war, and to suspect that Britain instigates it. In my opinion, our Indian affairs have been ill managed. Details would be tedious. Indians have been murdered by our people in cold blood, and no satisfaction given; nor are they pleased with the avidity with which we seek to acquire their lands. Would it not be wiser gradually to extend our settlements as want of room should make it necessary, than to pitch our tents through the wilderness in a great variety of places, far distant from each other, and from those advantages of education, civilization, law, and government which compact settlements and neighbourhoods afford? Shall we not fill the wilderness with white savages?—and will they not become more formidable to us than the tawny ones which now inhabit it?

“As to the sums of money expected from the sale of those lands, I suspect we shall be deceived; for, at whatever price they may be sold, the collection and payment of it will not be easily accomplished.

“I have the honour to be, &c.

“JOHN JAY.”

We perceive in these letters many of those great principles of government which were subsequently incorporated in the constitution of the United States; and which distinguished the federal party from that by which it was opposed. These parties took their origin in the discussions which, about this time, arose relative to the defects of the existing confederation, and the mode of correcting them.

It was obvious that in proportion as the powers of the general government were augmented, those of the State governments would be curtailed, and the importance of those by whom these governments were directed consequently diminished. Hence, as Mr. Jay subsequently remarked, many of the leaders of the opposition to the federal constitution were such as wished to be *little kings* at home.

Mr. Jay attached himself to the federal party at its formation, and adhered to its principles with unvarying constancy to the end of his life.

In one of the preceding letters, he mentions his appointment as a delegate to the general convention of the episcopal church. An application had been previously made to the English bishops to confer episcopal consecration on such persons as might be sent from America for that purpose. The answer of the bishops, intimating that their compliance with the request would depend on certain proposed alterations in the liturgy of the church, was laid before the convention. A reply to this answer was submitted by a committee; but Mr. Jay objected to its submissive and reverential tone. He was immediately added to the committee, and the next day a draught was reported which received the unanimous approbation of the convention, and which, while it manifested the courtesy due to the English bishops, maintained the firmness and dignity becoming an independent church.

We are induced to insert the following note, written about this time, as it tends to mark the character of the writer. It was in reply to one from Mr. F. Jay, a commission merchant, requesting his brother to procure for him, from Mr. Gardoqui, the sale of a Spanish cargo, just arrived.

“TO F. JAY, ESQ.

“DEAR FREDERICK,

“My official situation with respect to foreign ministers, renders it improper for me to place myself under personal obligations to any of them, and consequently to request their personal favours. I flatter myself you will perceive as clearly as I do, the propriety of observing this delicacy, and therefore that you will impute my declining to apply to Mr. Gardoqui, on the subject mentioned in your note of last evening, to that consideration, and not to any reluctance to serve you; for as I shall always rejoice in your welfare, so I shall always regret every obstacle which may restrain me from measures tending to promote it.

“Your affectionate brother,

“JOHN JAY.”

1787.] We have seen how long and how deeply Mr. Jay had deplored the imbecility of the existing government, and how ardently he had longed for one suited to the wants of the nation. The time was now approaching when his wishes were to be gratified. In January, 1786, the Legislature of Virginia proposed a Convention of delegates, to be appointed by State Legislatures, and to meet at Annapolis the ensuing September, to devise a uniform system of commercial regulations, which should be binding on the whole confederacy when ratified by all the States. It was to this Convention that Mr. Jay alluded in his letter to General Washington of the 16th March, 1786. “The Convention

proposed by Virginia may do some good, and would perhaps do more if it comprehended more objects."

The limited object of the Convention failed to excite general interest, and the required unanimity of thirteen States prevented much effort to secure what was supposed to be unattainable. Only five States were represented in the Convention, and their delegates wisely abstained from taking measures in relation to the subject for which they had been convened. They, however, took a step which led to important results. They recommended a Convention of delegates from all the States, to be held at Philadelphia the ensuing spring, for revising the articles of confederation.

The following letter to General Washington discloses Mr. Jay's views of the government he wished established.

"TO GEORGE WASHINGTON.

"New-York, January 7th, 1787.

"DEAR SIR,

"They who regard the public good with more attention and attachment than they do mere personal concerns, must feel and confess the force of such sentiments as are expressed in your letter to me, by Colonel Humphrey, last fall. The situation of our affairs calls not only for reflection and prudence, but for exertion. What is to be done? is a common question, but it is a question not easy to answer.

"Would the giving any further degree of power to Congress do the business? I am much inclined to think it would not; for, among other reasons, it is natural to suppose there will always be members who will find it convenient to make their seats subservient to partial and personal purposes; and they who may be able and willing to concert and promote useful and national measures, will seldom be unembarrassed by the ignorance, prejudices, fears, or interested views of others.

"In so large a body, secrecy and despatch will be too

uncommon; and foreign, as well as local interest, will oppose, and sometimes frustrate the wisest measures.

“Large assemblies often misunderstand or neglect the obligations of character, honour, and dignity, and will, collectively, do or omit things which individual gentlemen, in private capacities, would not approve. As the many divide blame, and also divide credit, too little a portion of either falls to each man’s share to affect him strongly, even in cases where the whole blame or the whole credit must be national. It is not easy for those to think and feel as sovereigns, who have been always accustomed to think and feel as subjects.

“The executive business of sovereignty depending on so many wills, and those wills moved by such a variety of contradictory motives and inducements, will, in general, be but feebly done.

“Such a sovereign, however theoretically responsible, cannot be effectually so in its departments and officers without adequate judicatories. I therefore promise myself nothing very desirable from any change which does not divide the sovereignty into its proper departments. Let Congress legislate—let others execute—let others judge.

“Shall we have a king? not in my opinion, while other expedients remain untried. Might we not have a governor-general, limited in his prerogatives and duration? Might not Congress be divided into an upper and lower house—the former appointed for life, the latter annually; and let the governor-general (to preserve the balance), with the advice of a council, formed for that *only* purpose, of the great judicial officers, have a negative on their acts? Our government should, in some degree, be suited to our manners and circumstances, and they, you know, are not strictly democratical.

“What powers should be granted to the government so constituted? is a question which deserves much thought.



I think the more the better ; the States retaining only so much as may be necessary for domestic purposes, and all their principal officers, civil and military, being commissioned and removable by the national government.

“ These are short hints. Details would exceed the limits of a letter, and to you be superfluous. A Convention is in contemplation, and I am glad to find your name among those of its intended members.

“ To me the policy of *such* a Convention appears questionable. Their authority is to be derived from acts of the State Legislatures. Are the State Legislatures authorized, either by themselves or others, to alter constitutions ? I think not. They who hold commissions can, by virtue of them, neither retrench nor extend the powers conveyed by them.

“ Perhaps it is intended that this Convention shall not ordain, but only recommend. If so, there is danger that their recommendations will produce *endless discussions, and perhaps jealousies and party heats.*

“ Would it not be better for Congress, plainly and in strong terms to declare, that the present federal government is inadequate to the purposes for which it was instituted ; that they forbear to point out its particular defects, or to ask for an extension of any particular powers, lest improper jealousies should thence arise ; but that, in their opinion, it would be expedient for the people of the States, without delay, to appoint State Conventions (in the way they choose their General Assemblies), with the sole and express power of appointing deputies to a general Convention, who, or the majority of whom, should take into consideration the articles of confederation, and make such alterations, amendments and additions thereto as to them should appear necessary and proper ; and which being by them ordained and published, should have the same force and obligation which all, or any of the present articles now have.

“ No alteration in the government should, I think, be made,

nor if attempted, will easily take place, unless deducible from the only source of just authority—**THE PEOPLE.**

“Accept, my dear sir, my warmest and most cordial wishes for your health and happiness, and believe me to be,

“With the greatest respect and esteem,

“Your most obedient servant,

“**JOHN JAY.**”

Had the decision of the Convention been made final, as suggested in this letter, without an appeal to the States, the subsequent irritation and party struggles which resulted from the discussions on the constitution would have been in a great measure avoided, and the new government would have gone into operation, unembarrassed by an organized opposition imbittered by defeat.

FROM **GEORGE WASHINGTON.**

“Mount Vernon, March 10th, 1787.

“**DEAR SIR,**

“I am indebted to you for two letters. The first, introductory of Mr. Anstey, needed no apology; nor will any be necessary on future similar occasions. The other, of the 7th of January, is on a very interesting subject, deserving very particular attention.

“How far the revision of the federal system, and giving more adequate powers to Congress, may be productive of an efficient government, I will not, under my present view of the matter, pretend to decide. That many inconveniences result from the present form, none can deny: those enumerated in your letter are so obvious and sensibly felt, that no logic can controvert, nor is it probable that any change of conduct will remove them; and that all attempts to alter or amend it will be like the propping of a house which is ready to fall, and which no shores can support (as many seem to think), may also be true.

“But is the public mind matured for such an important

change as the one you have suggested? What would be the consequence of a premature attempt?

“My opinion is, that this country has yet to *feel* and *see* a little more before it can be accomplished. A thirst for power, and the bantling—I had liked to have said **MONSTER**—sovereignty, which have taken such fast hold of the States individually, will, when joined by the many whose personal consequence in the line of State politics will in a manner be annihilated, form a strong phalanx against it; and when to these, the few who can hold posts of honour or profit in the national government are compared with the many who will see but little prospect of being noticed, and the discontents of others who may look for appointments, the opposition would be altogether irresistible, till the mass as well as the more discerning part of the community shall see the necessity.

“Among men of reflection, few will be found, I believe, who are not *beginning* to think that our system is better in theory than practice; and that, notwithstanding the boasted virtue of America, it is more than probable we shall exhibit the last melancholy proof that mankind are not competent to their own government, without the means of coercion, in the sovereign. Yet I would try what the wisdom of the proposed Convention will suggest, and what can be effected by their counsels. It may be the last peaceable mode of essaying the practicability of the present form, without a greater lapse of time than the exigency of our affairs will admit. In strict propriety, a Convention so holden may not be legal; Congress, however, may give it a colouring by recommendation which would fit it more to the taste, without proceeding to a definition of powers: this, however constitutionally it might be done, would not in my opinion be expedient; for delicacy on the one hand, and jealousy on the other, would produce a mere nihil.

“My name is in the delegation to this Convention; but it was put there contrary to my desire, and remains con-

trary to my request. Several reasons at the time of this appointment, and which yet exist, combined to make my attendance inconvenient, perhaps improper, though a good deal urged to it. With sentiments of great regard and friendship, I have the honour to be,

“Dear sir,

“Your most obedient, and

“Affectionate humble servant,

“GEORGE WASHINGTON.

“P.S. Since writing this letter I have seen the resolution of Congress, recommendatory of the Convention proposed to be held in Philadelphia the 2d Monday in May.”

On the 21st February, Congress recommended the proposed Convention, and thus gave it a national sanction. Mr. Jay's official situation requiring his attendance on Congress, and that body being in session at New-York at the very time that the Convention was to meet in Philadelphia, he was not included in the delegation from the State of New-York.

On the 17th September the Convention agreed to a constitution, and Congress ordered it to be submitted to a Convention in each State. Although this constitution did not in all respects equal the wishes of Mr. Jay, its superiority to the articles of confederation was too obvious to permit him to hesitate a moment in giving it his support. The opposition soon became active and virulent, and it was studiously inflamed by gross misrepresentation. At this momentous crisis, Mr. Jay united with Mr. Madison and Colonel Hamilton in an attempt to enlighten and direct the public opinion, by a series of newspaper essays under the title of the **FEDERALIST**. These papers were not only circulated throughout the Union by means of the periodical press, but were collected and published in two volumes, and have since passed through many editions, have been trans-

lated into French, and still form a valuable and standard commentary on the constitution of the United States. The first number was published on the 27th October, 1787.

1788.] The year 1788 will be long memorable in the annals of America, for the asperity with which the new constitution was assailed, the ability with which it was defended, and the triumph it finally obtained over its opponents. It is difficult for us at the present day, while experiencing the liberty and prosperity conferred by this constitution, to credit the ridiculous apprehensions and malignant hostility it excited. The people were assured that the officers of the new government would possess both the power and the will to trample upon their rights, and to reduce them to bondage. Some conspiracy against liberty was supposed to be concealed in each article of the constitution; and even men who aspired to the character of statesmen vehemently and perhaps honestly contended, that the powers to be given to the president and senators would enable them, when once elected, to hold their places for life. In no part of the confederacy was the opposition more active and formidable than in the State of New-York. Except in the city, and one or two of the adjacent counties, the public opinion was almost unanimous in reprobating the new plan. Mr. Jay, however, persevered, in conjunction with Hamilton and Madison, in vindicating the constitution in the numbers of the *Federalist*, till his labours were interrupted by an unfortunate accident. In the month of April, the peace of the city was disturbed by a serious riot, long known as "the doctors' mob," occasioned by some violations of the grave by persons of the medical profession. The magistrates found it necessary to confine certain physicians in prison, to protect them from the fury of the irritated multitude. The mob, finding themselves thus disappointed of their vengeance, assembled the next day for the purpose of forcing the jail. Mr. Jay, on being

informed of what was passing, seized a sword, and with some other gentlemen, hastened under the conduct of Colonel Hamilton, to prevent the meditated outrage. The party were attacked by the mob, and Mr. Jay was struck with a stone nearly senseless to the ground. He was carried home, and confined for some time, in consequence of a deep and dangerous wound in his temple.

On his recovery, he published, but without his name, an address to the people of New-York, on the subject of the constitution. In this pamphlet he did not deny that the proposed constitution was imperfect, nor did he enter into any examination of its general features; but he proposed for the consideration of the community three questions; viz. "Whether it is probable a better plan can be obtained? Whether, if attainable, it is likely to be in season? What would be their situation, if, after rejecting this, all their efforts to obtain a better should prove fruitless?"

The address reminded the people, that no second Convention could be composed of purer patriots, or wiser men, than those who had recommended this constitution; and that another Convention, chosen during the present excited state of public feeling, would of course consist of partisans, who representing only their respective parties, could not be expected to possess the confidence of the community in a higher degree than the late Convention. It next adverted to the fact, that many of the States had already accepted the constitution, and that therefore great difficulties and delays would be experienced in calling another Convention: and that thus the evils arising from the present feeble government would be prolonged and aggravated. But in case the present constitution should be rejected, and another be proposed, and share the same fate, the address showed that the existing confederation could not withstand the shock which such an event would give to the whole fabric. "Then to your tents, O Israel, would be the word. Then every

State would be a little nation, jealous of its neighbours, and anxious to strengthen itself by foreign alliances against its former friends. Then farewell to fraternal affection, unsuspecting intercourse, and mutual participation in commerce, navigation, and citizenship. Then would arise mutual restrictions and fears; mutual garrisons and standing armies; and all the dreadful evils which for so many ages plagued England, Scotland, Wales, and Ireland, while they continued disunited."

The address was soon attributed to its real author. A friend in New-Jersey wrote to Mr. Jay: "An address to the inhabitants of New-York has been received in this State with great approbation; nor has the tribute of applause been withheld from the author, that usually accompanies his writings: for though through modesty his name was concealed, it seems the well-known style discovered him."

General Washington remarked in a letter to Mr. Jay: "The good sense, forcible observations, temper, and moderation with which the pamphlet is written, cannot fail, I should think, of making a serious impression upon the anti-federal mind, where it is not under the influence of such local views as will yield to no arguments, no proofs."

To a gentleman who informed him that Dr. Franklin had said that if he was the author, it was incumbent on him to put his name to the address, to give it additional weight at this alarming crisis, he replied: "I have considered the hint suggested in your letter. My long, I may say habitual, respect for the sentiments of Dr. Franklin, at first inclined me to adopt them relative to the subject in question. Further consideration induced me to suspect that he has estimated the influence of my opinion beyond its value. If the reasoning in the pamphlet you allude to is just, it will have its effect on candid and discerning minds;—if weak and inconclusive, my name cannot render it otherwise."

The Legislature of New-York called a Convention to decide on adopting or rejecting the constitution. The election of members was held the last of April, and Mr. Jay was put in nomination for the city. His personal popularity, as well as the federalism of the city, may be inferred from the fact that, of 2833 votes given, he received all but 98.

The city delegation were all in favour of the constitution, and presented an unusual array of talents and political influence. Mr. Jay had for his colleagues the chancellor of the State, the chief justice, and another judge of the Supreme Court, the mayor of the city, and Alexander Hamilton. The federal interest was however confined almost exclusively to the city ; and it was understood soon after the election that of fifty-seven delegates chosen to the Convention no less than forty-six were *anti-federalists*,—the name adopted by those who were hostile to the constitution.

FROM GEORGE WASHINGTON.

“Mount Vernon, May 15th, 1788.

“DEAR SIR,

“Since the elections in this State, little doubt is entertained of the adoption of the proposed constitution with us (if no mistake has been made with respect to the sentiments of the Kentucky members) ; the opponents to it, I am informed, are *now* also of this opinion. Their grand manœuvres were exhibited at the elections ; and some of them, if report be true, were not much to their credit. Failing in their attempt to exclude the friends to the new government from the Convention, and baffled in their exertions to effect an adjournment in Maryland, they have become more passive of *late*. Should South Carolina (now in session) decide favourably, and the government thereby (nine States having acceded) get in motion, I can scarcely conceive that any one of the remainder, or all of them together, were they to convene for the purpose of delibera-



tion, would (separated from each other as they then would be in a geographical point of view) incline to withdraw from the Union with the other nine. With sentiments of very great esteem and regard,

“I am, dear sir,

“Your most obedient and

“Affectionate servant,

“GEO. WASHINGTON.”

“TO GEORGE WASHINGTON.

“New-York, 29th May, 1788.

“DEAR SIR,

“I was two days ago favoured with yours of the 15th inst. It gives me pleasure to find that the probability of Virginia’s adopting the proposed constitution rather increases; such an event would undoubtedly disarm the opposition. It appears by recent advices from Charleston, that we may count on South Carolina; and the New-Hampshire delegates assure me that their State will come into the measure. There is much reason to believe that the majority of the Convention of this State will be composed of anti-federal characters; but it is doubtful whether the leaders will be able to govern the party. Many in opposition are friends to union, and mean well; but their principal leaders are very far from being solicitous about the fate of the Union; they wish and mean, if possible, to reject the constitution with as little debate and as much speed as may be. It is not, however, certain that the greater part of their party will be equally decided, or rather equally desperate.

“An idea has taken air that the southern part of the State will, at all events, adhere to the Union; and, if necessary to that end, seek a separation from the northern. This idea has influence on the fears of the party. I cannot find that they have as yet so looked forward to contingent

events, or even to those the most probable, as to have united in or formed any system adapted to them.

“With perfect respect and esteem,

“I am, dear sir,

“Your affectionate and humble servant,

“JOHN JAY.”

FROM GEORGE WASHINGTON.

“Mount Vernon, June 8th, 1788.

“DEAR SIR,

“By the last mail I had the pleasure to receive your letter of the 29th May, and have now the satisfaction to congratulate you on the adoption of the constitution by the Convention of South Carolina.

“I am sorry to learn there is a probability that the majority of members in the New-York Convention will be anti-federalists. Still I hope that some event will turn up before they assemble which may give a new complexion to the business. If this State should in the intermediate time make the ninth that shall have ratified the proposed government, it will, I flatter myself, have its due weight. To show that this event is now more to be expected than heretofore, I will give you a few particulars which I have from good authority, and which you might not perhaps immediately obtain through any public channel of conveyance.

“On the day appointed for the meeting of the Convention, a large proportion of the members assembled and unanimously placed Mr. Pendleton in the chair. Having on that and the subsequent day chosen the rest of their officers, and fixed upon the mode of conducting the business, it was moved by some one of those opposed to the constitution, to debate the whole by paragraphs, without taking any question until the investigation should be completed. This was as unexpected as acceptable to the federalists; and their

ready acquiescence seems to have somewhat startled the opposition, for fear they had committed themselves.

“ Mr. Nicholas opened the business by very ably advocating the system of representation. Mr. Henry, in answer, went more vaguely into the discussion of the constitution, intimating that the federal Convention had exceeded their powers, and that we had been and might be happy under the old confederation, with a few alterations. This called up Governor Randolph, who is reported to have spoken with great pathos in reply ; and who declared that, since so many of the States had adopted the proposed constitution, he considered the sense of America to be already taken, and that he should give his vote in favour of it, without insisting previously upon amendments. Mr. Mason rose in opposition, and Mr. Madison reserved himself to obviate the objections of Mr. Henry and Col. Mason the next day. Thus the matter rested when the last accounts came away. Upon the whole, the following inferences seem to have been drawn. That Mr. Randolph’s declaration will have considerable effect with those who had hitherto been wavering ; that Mr. Henry and Col. Mason took different and awkward ground, and by no means equalled the public expectation in their speeches ; that the former has probably receded somewhat from his violent measures, to coalesce with the latter ; and that the leaders of the opposition appear rather chagrined, and hardly to be decided as to their mode of opposition.

“ The *sanguine* friends to the constitution counted upon a majority of twenty at their first meeting, which number they imagine will be greatly increased ; while those equally strong in their wishes, but more temperate in their habits of thinking, speak less confidently of the greatness of the majority, and express apprehensions of the arts that may yet be practised to excite alarms, particularly with the members from the western district (Kentucky). All, however, agree that the beginning has been as auspicious

as could possibly have been expected. A few days will now ascertain us of the result.

“With sentiments of the highest esteem and regard,

“I am, dear sir,

“Your most obedient and

“Affectionate humble servant,

“GEO. WASHINGTON.

On the 17th June, the Convention assembled at Poughkeepsie, and Mr. Clinton, the governor of the State, and a decided anti-federalist, was placed in the chair. The character of the Convention was thus depicted by Mr. Jay.

“TO GEORGE WASHINGTON.

“Poughkeepsie, June, 1788.

“DEAR SIR,

“Your obliging letter of the 8th inst. found me at this place; I thank you for the interesting circumstances mentioned in it. The complexion of our Convention is such as was expected. They have hitherto proceeded with temper and moderation; but there is no reason to think that either party has made much impression on the other. The leaders in opposition seem to have more extensive views than their adherents, and until the latter perceive that circumstance they will probably continue combined. The greater number are, I believe, averse to a vote of rejection. Some would be content with recommendatory amendments; others wish for explanatory ones to settle constructions which they think doubtful: others would not be satisfied with less than absolute and previous amendments; and I am mistaken if there be not a few who prefer a separation from the Union to any national government whatever. They suggest hints of the importance of this State, of its capacity to command terms, of the policy of its taking its own time, and fixing its own price, &c.: they intimate that an adjournment may be expedient, and that

it might be best to see the operation of the new government before they receive it.

“The people, however, are gradually coming right, notwithstanding the singular pains taken to prevent it. The accession of New-Hampshire does good, and that of Virginia would do more.

“With the greatest respect and esteem,

“I am, dear sir,

“Your affectionate and humble servant,

“JOHN JAY.”

The time of the Convention was occupied for more than three weeks in discussing the constitution, without any question being taken that could test the strength of the two parties.

In these discussions, Mr. Jay took an active part, and was ably and zealously seconded by Chancellor Livingston, Colonel Hamilton, and others. On the 11th of July, he moved that the constitution be ratified, and that whatever amendments might be deemed expedient should be *recommended*. This motion compelled the majority to avow their intentions; and it was accordingly modified into a motion to ratify the constitution “*on condition*” that certain specified amendments should be made. Most of these amendments, many of them evincing a puerile jealousy of the new government, and tending to destroy its energy and usefulness, were carried by a majority of about twenty votes. After a long struggle, the words “*on condition*” were exchanged for the words “*in full confidence*” in the proposed form of ratification, by two votes.

An attempt was then made to reserve to the State the right of receding from the Union, in case the desired amendments were not adopted, but it proved unsuccessful. It was determined to submit these amendments to the several States, accompanied by a circular letter, and Mr. Jay was selected to draught the letter. The task assigned

to him was a delicate one. Being himself opposed to almost all these amendments, he could not of course recommend them. He represented them in the letter as expressing the opinions and wishes of a majority of the Convention, and urged the propriety of submitting the amendments proposed by each State to the decision of a general Convention, from the consideration that "no government, however constituted, can operate well, unless it possesses the confidence and good will of the great body of the people." The candour and fairness of this letter secured for it the unanimous assent of the Convention. The final question on the ratification of the constitution was taken on the 26th of July; and the State of New-York became a member of the new confederation by a majority of three votes. This happy result, so little anticipated a few weeks before, was no doubt owing in part to the accession of New-Hampshire and Virginia during the session of the Convention, and which left to New-York the alternative of following their example, or of being exposed to all the dangers of a small and defenceless nation, in the midst of a powerful confederacy. Much also is to be attributed to the effect of the reasoning and eloquence of Jay, Hamilton, and Livingston, upon the more moderate and candid of the opposite party. Still the fact, that of fifty-seven members, no less than twenty-seven were desirous to insulate the State of New-York, and to encounter the hazards resulting from a dissolution of the Union, and the erection of petty and independent sovereignties, rather than accept a constitution which has conferred such unexampled prosperity on the nation, affords a melancholy instance of the blindness and malignity of party spirit.

The news of the ratification was received in the city of New-York with a general burst of joy. Cannon were fired, and the bells rung; and crowds, assembling before the houses of the delegates, testified their approbation of their conduct by repeated cheerings.

## CHAPTER VIII.

1789-94.

Federal Government organized—Mr. Jay appointed Chief Justice—Officers as Secretary of State—His Charge to the Grand Jury—Attentions to him on his Circuit—Elected Governor—Votes burnt by Canvassers, who declare Mr. Clinton to be Governor—Public Excitement—Honours paid Mr. Jay by the People—Proceedings of the Legislature—Opinion on the Suability of States—Proclamation of Neutrality—Arrival and Conduct of Genet—Causes of Complaint against British Government—Mr. Jay appointed Envoy to Great Britain—Embarks for England—Origin, Character, and Objects of the Democratic Societies.

IN the month of January, 1789, in pursuance of the recommendation of Congress, electors were chosen by such of the States as had accepted the new constitution; and in the following month these electors gave their votes for President and Vice President. The votes were not to be counted till the meeting of the new Congress on the 4th of March, the day fixed for the dissolution of the confederacy and the commencement of the federal government. The meeting of Congress was delayed till the 6th April, when they assembled at New-York, and, on counting the ballots, declared that General Washington had been unanimously elected President of the United States. The general was at this time at his seat in Virginia. Arrangements were soon commenced for the accommodation of the President at New-York; and having been unexpectedly completed before his arrival, he found it unnecessary to accept the invitation conveyed in the following letter:

“ TO GEORGE WASHINGTON.

“ New-York, 14th April, 1789.

“ DEAR SIR,

“ On my return last evening from a fortnight's absence in the country, I was informed that proper arrangements for your immediate accommodation were not yet made. Permit me, therefore, to take the liberty of requesting the favour of you to be with me in the mean time ; and if Mrs. Washington should accompany you, we should be still more happy. As the measures that were in contemplation on this subject would have given an earlier invitation the appearance of a mere compliment, it was omitted. Considering all circumstances, I really think you would experience at least as few inconveniences with me as in any other situation here. Your reluctance to give trouble, will doubtless suggest objections ; apprized of this, we shall be particularly careful to preserve such a degree of simplicity in our domestic management, as will render you easy on that head. In a word, you shall be received and entertained exactly in the way which if in your place I should prefer, viz. with plain and friendly hospitality.

“ You will soon want a secretary, and it would be convenient to have him near you. Let me therefore add, that I have a room very much at his service, and which may as well be occupied by him as remain as it now is, empty.

“ I cannot conclude this letter without thanking you as an American, for generously complying with the wishes of our country at this interesting period. Personal considerations strongly recommend retirement, and none but public and national ones would draw you from it. The people at large seem sensible of this, and do you justice ; and I am glad of it for their sake as well as yours, for the more justice they do you, the more good you will be able to do them. With the most perfect esteem and regard, I am, dear sir,

“ Your affectionate and obedient servant,

“ JOHN JAY.”



The president reached New-York on the 23d April, and the 30th was fixed for his taking the oath of office. As this ceremony would so far complete the organization of the government as to enable it to go into operation, it was thought proper that the citizens should unite in public supplications to Heaven on the occasion. At nine o'clock in the morning all the churches were opened, and the several congregations assembled with their pastors to commend the federal government, and the individual who was placed at its head, to the favour and protection of the Almighty Ruler of nations. On the conclusion of this solemn and affecting duty, a procession was formed, under the directions of Congress, to accompany the president from his residence to the hall of Congress. In the balcony of this edifice the oath of office was administered to him, in the presence of a vast multitude. The president then delivered an address to Congress, which he concluded with "resorting once more to the benign Parent of the human race, in humble supplication, that since He has been pleased to favour the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity, on a form of government for the security of their Union and the advancement of their happiness; so his divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this government must depend."

Immediately after this address, the president, with both houses of Congress, attended divine service in St. Paul's church, to render their thanksgivings to the Supreme Being, for the peaceful and successful establishment of the new government, and to implore for it his future guidance and favour. Congress adjourned on the 29th September, having first passed a resolution requesting the president to recommend to the people of the United States, to observe a day of public thanksgiving and prayer, "acknowledging, with grateful hearts, the many and signal favours of Almighty God, espe-

cially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness."

Thus was the present edifice of the federal government founded by patriotism and consecrated by piety ; and to the wisdom and virtue of the builders must we ascribe its preservation, under Providence, amid the winds and floods which have so often beat vehemently against it.

Some time necessarily elapsed before the various departments of government were fully organized. Many of them were to be created by the Legislature ; and those laws which were of the most pressing importance engaged, of course, the earliest attention of Congress. The president's opinion of Mr. Jay's ability and disposition to serve his country induced him to ask his acceptance of any office he might prefer.

An efficient government, which had long been the object of Mr. Jay's ardent wishes and labours, was now established ; but it had been established after a long and irritating struggle. Two States still refused to accede to it ; and in all the others, an opposition to it, more or less powerful, still existed. State jealousies and local interests were adverse to the successful and harmonious operation of the new constitution ; and a firm and vigorous administration of the laws was indispensable to the stability of the Union. These considerations probably led him to select the Supreme Court of the United States as the sphere in which, for the future, his talents could be most usefully exerted for the common good. He was accordingly, on the 26th September, appointed chief justice of that court, a station for which his professional education and the habits of his mind peculiarly qualified him.

The office of secretary for foreign affairs had of course expired with the old government ; but at the president's request Mr. Jay consented to officiate as secretary of state till the ensuing spring, when Mr. Jefferson, who had been

appointed to the office, arrived from France, and entered upon its duties.

1790.] The Supreme Court was not fully organized till the 3d April, and the next day the chief justice held in New-York the first Circuit Court. We have already adverted to the very peculiar circumstances under which he was called, as chief justice of the State of New-York, to administer justice in the name of the people, instead of that of his late sovereign, whose armies were at that moment spreading terror and desolation around him. His emotions on the present occasion, though more unmingled than before, must still have been strongly excited. He now saw his country in the enjoyment, not only of peace and independence, but of a wise, equal, and energetic government; and after having long deplored those aberrations from justice and good faith which had tarnished the lustre of the American confederacy, he found himself called to apply his own inflexible principles of right, not only to private controversies, but likewise to such as involved the obligations of treaties, and the honour and interests of the nation.

In his charge to the grand jury, he directed their attention to the favour Providence had vouchsafed the American people, in permitting them to choose their own government, and to the duties resulting from this unwonted privilege.

“Whether any people,” said the chief justice, “can long govern themselves in an equal, uniform, and orderly manner, is a question which the advocates for free governments justly consider as being exceedingly important to the cause of liberty. This question, like others whose solution depends on facts, can only be determined by experience. It is a question on which many think some room for doubt still remains. Men have had very few opportunities of making the experiment; and this is one reason why less progress has been made in the science of government than in almost any other. The far greater number of constitutions and governments of which we are informed, have

originated in force or in fraud ; having been either imposed by improper exertions of power, or introduced by the arts of designing individuals, whose apparent zeal for liberty and the public good enabled them to take advantage of the credulity and misplaced confidence of their fellow-citizens.

“ Providence has been pleased to bless the people of this country with more perfect opportunities of choosing, and more effectual means of establishing, their own government than any other nation has hitherto enjoyed ; and for the use we may make of these means we shall be highly responsible to that Providence, as well as to mankind in general, and to our own posterity in particular.

“ It cannot be too strongly impressed on the minds of all how greatly our individual prosperity depends on our national prosperity, and how greatly our national prosperity depends on a well organized, vigorous government, ruling by wise and equal laws, faithfully executed. Nor is such a government unfriendly to liberty—to that liberty which is really estimable. On the contrary, nothing but a strong government of laws, irresistibly bearing down arbitrary power and licentiousness, can defend it against those two formidable enemies. Let it be remembered that civil liberty consists, not in a right to every man to do just what he pleases, but it consists in an equal right to all the citizens to have, enjoy, and do, in peace, security, and without molestation, whatever the equal and constitutional laws of the country admit to be consistent with the public good.”

As the law establishing the judicial department required the judges to hold circuits in the different States, the chief justice received various invitations from his friends to reside with them while holding his circuits. To an invitation of this sort, received soon after his appointment, he replied :—“ Accept my cordial acknowledgments for your kind letter : congratulations are pleasant when, as in the present case, their sincerity is unquestionable. Your friendly invitation marks esteem and attachment, and is therefore most grate-

ful. As a man, and your friend, I should be happy in accepting it; but, as a judge, I have my doubts—they will occur to you without details. I am inclined to think some general rule on this subject would be prudent; as yet, I have not considered it maturely.” On further reflection, he adopted and adhered to the rule of lodging only at public houses, while holding court at a distance from home.

In April he commenced his first circuit through New-England. In no quarter of the Union were his character and public services held in higher estimation, and nowhere was he received with more cordiality and respect. On approaching New-Haven he was met by a body of the citizens, who escorted him into their town. While at Boston its hospitable inhabitants were lavish in their civilities to him; and Harvard university presented him with the diploma of Doctor of Laws. The citizens of Portsmouth honoured him with a public entry into the town; and, on his departure, attended him some distance on his journey.

In the autumn he again rode the circuit, and held courts in Boston, Exeter, Providence, Hartford, and Albany. The following correspondence took place while he was on this circuit, and evinces his intimate acquaintance with the character of the president, which led him thus to anticipate his wishes in suggesting topics for his communication to Congress at its approaching session.

“TO GEORGE WASHINGTON.

“Boston, 13th Nov., 1790.

“DEAR SIR,

“The act ‘to regulate trade and intercourse with the Indian tribes,’ passed the last session, directs that the superintendents and persons by them licensed, shall be governed in all things touching the said trade and intercourse, by such rules and regulations as the president shall

prescribe. I was lately asked, Whether any and what arrangements had been made in pursuance of this act? My answer was, that I had not heard, but was persuaded that every thing necessary either had been or would soon be done. As every licensed trader must know what rules and regulations he is to obey and observe, would it be amiss to publish them?

“The constitution gives power to the Congress ‘to coin money, regulate the value thereof, and of foreign coin: to provide for the punishment of counterfeiting the securities and current coin of the United States.’ If the word *current* had been omitted, it might have been doubted whether the Congress could have punished the counterfeiting of foreign coin. Mexican dollars have long been known in our public acts as *current* coin. The 55th sect. of the act ‘to provide more effectually for the collection of the duties,’ &c. enumerates a variety of foreign coins which shall be received for the duties and fees mentioned in it.

“The late penal act (as it is generally called) provides punishment for counterfeiting paper, but not coin, foreign or domestic. Whether this omission was accidental or designed, I am uninformed. It appears to me more expedient, that this offence, as it respects current coin, should be punished in a uniform manner throughout the nation, rather than be left to State laws and State courts.

“The constitution provides, that ‘no State shall coin money, nor make any thing but gold or silver coin a *tender* in payment of debts.’ Must not this gold and silver coin be such only as shall be either struck, or made current by the Congress. At present, I do not recollect any act which designates, unless perhaps by implication, what coins shall be a *legal* tender between citizen and citizen.

“The Congress have power to establish post roads. This would be nugatory unless it implied a power either to repair these roads themselves, or compel others to do it.

The former seems to be the more natural construction. Possibly, the turnpike plan might gradually and usefully be introduced.

“It appears advisable, that the United States should have a fortress near the heads of the western waters; perhaps at, or not very distant from Fort Pitt; to secure the communication between the western and Atlantic countries; and that the place be such as would cover the building of vessels proper for the navigation of the most important of those waters. Should not West Point, or a better post if to be found on Hudson River, be kept up? An impregnable harbour in the north, and another in the south, seem to me very desirable. Peace is the time to prepare for defence against hostilities.

“There is some reason to apprehend that masts and ship-timber will, as cultivation advances, become scarce, unless some measures be taken to prevent their waste; or provide for the preservation of a sufficient fund of both.

“Being persuaded that we could undersell other nations in salted provisions, especially beef, provided none but of the first quality was exported, I am inclined to think the national government should attend to it; nay, that the whole business of inspecting all such of our exports of every kind as may be thought to require inspection, should be done, under their exclusive authority, in a uniform manner: where State inspection laws are good, they might be adopted. If the individual States inspect by different rules, and some of them not at all, the article in question will not go to market with such plain and decided evidence of quality as to merit confidence; especially as various marks under various State laws multiply the means of fraud and imposition: if only the best commodities in their kind were exported, we should gain in name and price what we might lose at first by diminution of quality.

“I think it probable that this letter will find you at

Philadelphia, if not, I presume it will be forwarded by some of your family: but how, or by whom is uncertain. Much content and good-humour is observable in these States. The acts of Congress are as well respected and observed as could have been expected. The assumption gives general satisfaction here. The deviation from contract respecting interest, is censured by some. They say, and not without reason, that the application of surplus revenue to the purchase of stock shows that the measure did not result from necessity.

“With the most perfect respect, esteem, and attachment,

“I have the honour to be, dear sir,

“Your obliged and obedient servant,

“JOHN JAY.”

“TO JOHN JAY.

“[Private.]

“Mount Vernon, Nov. 19th, 1790.

“MY DEAR SIR,

“The day is near when Congress is to commence its third session; and on Monday next, nothing intervening to prevent it, I shall set out to meet them at their new residence.

“If any thing in the judiciary line, if any thing of a more general nature, proper for me to communicate to that body at the opening of the session, has occurred to you, you would oblige me by submitting them with the freedom and frankness of friendship.

“The length and badness of the road from hence to Philadelphia, added to the unsettled weather which may be expected at this season, will more than probable render the term of my arrival at that place uncertain; but your sentiments, under cover, lodged with Mr. Lear by the first of next month, will be in time to meet me and the communications from the other great departments; and with



such matters as have been handed immediately to myself from other quarters, or which have come under my own observation and contemplation during the recess, will enable me to form the sum of my communications to Congress at the opening of the session.

“I shall say nothing of domestic occurrences in this letter, and those of foreign import you would receive at second-hand from hence. To add assurances of my friendship and regard would not be new; but with truth I can declare that I am

“Your affectionate and humble servant,

“GEORGE WASHINGTON.”

1791.] The time of the chief justice was this year almost wholly occupied by the duties of his office. He held two terms of the supreme court at Philadelphia, and twice rode the eastern circuit, which was now extended to Bennington, in Vermont. His charges to grand juries appear to have been generally, if not always, written compositions; and he seems to have embraced these opportunities of inculcating those great principles of morality, and submission to constitutional authority, which can alone prevent political liberty from degenerating into licentiousness and anarchy.

Frequent applications were made to the chief justice for his interest with the president and heads of the departments in appointments to office, but he scrupulously avoided all interference. In one instance he departed from this course of conduct, but it was in relation to an office connected with the court over which he presided, and in the faithful discharge of which he was himself officially interested. The following letter is given as a just tribute to the character of an estimable citizen and an exemplary Christian.\*

\* Gen. Clarkson was at his death, in 1824, a vice-president of the American Bible Society. At the ensuing anniversary of the society, the Governor of New-York, Dewitt Clinton, Esq., in an address before them, thus spoke of

“TO GEORGE WASHINGTON.

“New-York, 13th March, 1791.

“DEAR SIR,

“Perceiving that you have been pleased to appoint Colonel Smith a *supervisor* for this district, I conclude that on his acceptance of that place, the office of *marshal* will be conferred on some other person. It is probable that several candidates will offer, and I take the liberty of communicating my sentiments respecting a gentleman who, too delicate to display his own merit, possesses more than falls to the share of many. I mean General Matthew Clarkson. I think him one of the most pure and virtuous men I know; when at

---

their deceased officer: “Matthew Clarkson was a man who filled a large space in the circle of patriotism and benevolence. Wherever a charitable or public-spirited institution was about to be established, his presence was considered essential. As his heart and his hand were ever open to the calls of charity, his name is to be found in all our meritorious societies, whether intended for education, for relief, or for protection. No object which implicated the welfare of the human race was considered foreign to his duties. His sanction became a passport to public approbation—it encouraged virtue in its career, disarmed opposition of its power, and envy of its venom.

“In all his connexions and associations he was distinguished by a benignity of disposition and an amenity of behaviour, which endeared him to all with whom he had communion. His first object was to do good; his next, to do it in the most acceptable manner, and in the most impressive shape.

“During the revolutionary war he was a gallant officer in the American army, and after its conclusion he held high and confidential civil offices, which he filled with fidelity and ability. But the last years of his life were principally devoted to the promotion of those institutions which reflect so much honour on the religion, the education, and the benevolence of our country.

“Although the benefits which he conferred on the community by the rendition of actual services are of the most impressive character; yet the illustrious example which he presented to mankind, of a life of distinguished benevolence and usefulness, is of a more important nature. As a model for imitation—as an excitement to Christian piety, to pure benevolence, and to heroic virtue, his merit will be appreciated and his influence felt long after all of us are consigned to the grave.”

Boston, General Lincoln (whose aid he was) spoke to me of him in terms not only of approbation, but affection. During the war he was a firm and active whig, and since the peace a constant friend to national and good government. Few men here, of his standing, enjoy or deserve a greater degree of the esteem and good will of the citizens than he does, and, in my opinion, he would discharge the duties of that, or any office for which he may be qualified, with propriety and honour.

“Be pleased to present my respectful compliments to Mrs. Washington, and permit me to assure you of the perfect respect, esteem, and attachment, with which I am,

“ Dear sir,

“ Your obliged and obedient servant,

“ JOHN JAY.”

It is scarcely necessary to add that General Clarkson received the appointment.

1792.] It may be recollected that in 1785, Mr. Jay, in a letter declining to be a candidate for the office of governor, used the following language: “If the circumstances of the State were pressing—if real disgust and discontent had spread through the country—if a change had in the general opinion become not only advisable but necessary, and the good expected from that change depended upon me, then my present objections would immediately yield to the consideration, that a good citizen ought cheerfully to take any station which his country on such occasions may think proper to assign him, without in the least regarding the personal consequences which may result from its being more or less elevated.”

The case thus hypothetically stated had now, in the opinion of many, actually occurred. It is unnecessary to mention the reasons for this opinion, and to revive the charges which were then made against the chief magistrate of New-York. Suffice it to say, that those who saw in the

maintenance of the federal government, in all its constitutional energy, the only hope of national honour and prosperity, and those who believed that the interests of the State were endangered by the policy and conduct of Governor Clinton, turned to the chief justice as the only man whose character and influence could be brought into successful competition with the popularity with which revolutionary services, aided by a long and extensive distribution of official patronage, had invested the present incumbent.

Early in February a public meeting was held in the city of New-York, at which it was resolved to support the chief justice for governor at the ensuing election; and a committee was appointed to solicit his acceptance of the nomination. He yielded to their wishes, in consistency with his declaration made seven years before, and in so doing consented to make no slight sacrifice of personal importance and pecuniary interest to the welfare of his native State. His present station was one he had himself selected. Its tenure was independent of the fluctuations of public opinion, and its emoluments were greater than those of the office now tendered to him.

The nomination made in the city was immediately re-echoed throughout the State, and it was soon perceived that the re-election of Governor Clinton was extremely doubtful. No time was lost by the opponents of the chief justice in taking measures to prevent his success; and they were too little scrupulous as to the means they employed. His private character was invulnerable, and was not assailed; but his political opinions, and especially his attachment to the federal government, were urged upon the anti-federal State of New-York as proofs of his unfitness for the executive chair.

New-York was then a slaveholding State, and pains were taken to excite the prejudices of the slaveholders against Mr. Jay, on account of his avowed opposition to slavery. A friend wrote to Mr. Jay: "As your opponents

cannot or dare not impeach your integrity and ability, necessity obliges them to descend to the lowest subterfuges of craft and chicane, to mislead the ignorant and unwary. The part you have taken in the society for emancipating slaves is exaggerated, and painted in lively colours to your disadvantage. It is said that it is your desire to rob every Dutchman of the property he possesses most dear to his heart, his slaves; that you are not satisfied with doing that, but wish further to oblige their masters to educate the children of those slaves in the best manner, even if unable to educate their own children; and also that you have procured a bill to be brought into the Legislature this session for the above purpose."

To this he replied:—

"That many election tales will be invented and propagated, and that credulous individuals will be imposed upon by them, is not to be doubted.

"As to my sentiments and conduct relative to the abolition of slavery, the fact is this:—In my opinion every man, of every colour and description, has a natural right to freedom, and I shall ever acknowledge myself to be an advocate for the manumission of slaves, in such way as may be consistent with the justice due to them, with the justice due to their masters, and with the regard due to the actual state of society. These considerations unite in convincing me that the abolition of slavery must necessarily be gradual.

"On being honoured with the commission which I now hold, I retired from the society to which you allude, and of which I was president; it appearing improper to me for a judge to be a member of such associations. That society, I fear, has been misrepresented, for instead of censure they merit applause. To promote, by virtuous means, the extension of the blessings of liberty, to protect a poor and friendless race of men, their wives, and children, from the snares and violence of menstealers, to provide instruction

for children who were destitute of the means of education, and who, instead of pernicious, will now become useful members of society, are certainly objects and cares of which no man has reason to be ashamed, and for which no man ought to be censured. And these are the objects and the cares of that benevolent society."

The slanders of political enemies never disturbed Mr. Jay's equanimity; but there was one circumstance connected with this election that must have deeply wounded his sensibility. His old and intimate friend Chancellor Livingston at this time thought proper, not only to leave the federal party, and to enter the ranks of the opposite one, but also publicly to assume an attitude of decided hostility to his election. In order probably to goad the chancellor to a still more active opposition, a satirical and highly personal letter was addressed to him in the columns of a newspaper, under a fictitious signature; and pains were taken to give currency to the opinion that the chief justice was the writer of this and other articles. To aid this impression, an answer to the letter soon after appeared in the same paper, addressed to Mr. Jay as its author. There is reason to believe that both publications proceeded from the same pen. The success of this base design was defeated by the appearance in the papers of the following card.

"TO THE PUBLIC.

"It having been deemed *expedient* to consider me as the author of certain political papers lately published, I think it proper to declare upon my honour that I am not the author of any political paper that has been published this year; that I have neither written, dictated, nor seen the manuscripts of any of those which have appeared against Governor Clinton, or any other person whatever; and that I do not even know who the writers are, further than that I have heard some of these papers ascribed to one person

and some to another. Whoever they may be, they have not been actuated by my advice or desire ; and not being under my direction or control, I cannot be responsible for the pain their publications have given.

“JOHN JAY.”

The election commenced the last of April. The chief justice had left the State some time before, to hold the eastern circuit, and did not return till the middle of July. His correspondence with his family during his absence proves how little personal interest he took in the result. In answer to a letter from Mrs. Jay, in which some allusion was made to the probability that he would no longer need the official robe worn by him as chief justice, he remarked : “ My robe may become useless, and it may not. I am resigned to either event, for no one knows what is best for him. He who governs all makes no mistakes, and a firm belief of this would save us from many.” His letters to his family never contained an allusion to the pending election, except when forced upon him by his correspondent.

The ballots given at the election were required by law to be transmitted to the sheriffs of the several counties, and by them to be forwarded to the office of the secretary of state, where they were to be canvassed by a committee appointed by the Legislature. This committee had already been appointed, and a majority of them were the political friends of Governor Clinton. They claimed and exercised the right of rejecting all such ballots as had not in their opinion been forwarded to the secretary's office with all the required formalities. It was well understood that Mr. Jay had received a majority of the whole number of votes given, and that the majorities in the counties of Otsego and Tioga were each sufficient to turn the scale in his favour. The constitution of the State required that sheriffs should be annually appointed ; but as these appointments had been occasionally delayed, it had been the uniform practice from

the commencement of the government for the late incumbent to continue in the exercise of his office till his successor assumed its duties. This practice had arisen from necessity; for as the council of appointment was not a permanent body, but convening only at the summons of the governor, some time would often necessarily elapse between the expiration of one commission and the issuing of another. So little had the propriety of sheriffs in such cases, continuing to act after the expiration of their commissions, been questioned, that on an investigation it was found, that since the organization of the government, no less than seventy instances had occurred of sheriffs thus holding over, and in one case a sheriff thus circumstanced had been called in the discharge of his office to execute a criminal.

The canvassers discovered that the ballots of Otsego were forwarded by a sheriff whose commission had expired about six weeks before, and whose successor, although appointed, had not yet taken the oath of office, and was of course not authorized to act. They therefore determined that the votes of Otsego, not having been returned by a constitutional sheriff, could not be received, and instead of counting them, they committed them to the flames. The ballots from two other counties, Tioga and Clinton, were consigned to the same fate, on the ground, that in one instance they had been forwarded by a deputy-sheriff, appointed by parol instead of a written instrument, and in the other, because the officer by whom the ballots had been forwarded, falling sick on the road, had committed them to the care of another person. The votes of the whole State, after being subjected to this purgation, gave Mr. Clinton a majority of 108, and he was declared by the canvassers duly elected governor of the State. Against this decision, four of the eleven canvassers entered their protest.

The chief justice was on his circuit when he learned the decision of the canvassers, and he thus noticed it in a letter to Mrs. Jay:—



“A Hartford paper which I have just read mentions the result of the canvass; after hearing how the Otsego votes were circumstanced, I perceived clearly what the event would be. The reflection that the majority of the electors were for me, is a pleasing one; that injustice has taken place does not surprise me, and I hope will not affect you very sensibly. The intelligence found me perfectly prepared for it. Having nothing to reproach myself with in relation to this event, it shall neither discompose my temper nor postpone my sleep. A few years will put us all in the dust, and it will then be of more importance to me to have governed myself, than to have governed the State.”

The decision of the canvassers was made on the 12th June, and excited a violent ferment throughout the State. The citizens of New-York assembled in the open air, and passed resolutions condemning the conduct of the canvassers, as an outrage on the right of suffrage; and recommended to the people to assemble in their respective counties, to protest against the attempt now made to subject them to a governor whom they had not elected, and likewise to petition the Legislature to interpose its authority for the preservation of their rights.

The recommendation of the city was followed with alacrity in almost every part of the State, and an excitement was kindled that for a while foreboded some fearful and violent convulsion.

The chief justice was at this time engaged in holding his courts in the eastern States. He completed his circuit at Bennington in Vermont, and returned home by the way of Albany. On approaching Lansingburgh, he was met by the inhabitants, and escorted into the village, where he was addressed by a committee previously appointed for the purpose. This address marks the exasperated and indignant feelings which then pervaded a very large portion of the community.

“ TO JOHN JAY, ESQ.

“ Chief Justice of the United States.

“ Lansingburgh, June 30, 1792.

“ SIR,

“ We beg leave to address you in the simple style of freemen, and in the name of the citizens of Lansingburgh, to congratulate you on your arrival at our infant settlement.

“ Fully impressed with a sense of your patriotism, we embrace this opportunity of expressing our gratitude for your unwearied exertions through the struggles of an oppressive war ; and your eminent services as a statesman and minister at home and abroad.

“ Our respect for your character, in the dignified office of chief justice of the United States, and our regard for your person, as a man possessing the confidence of the people, give us a most lively hope of shortly embracing you as the chief magistrate of this State : nor can we refrain on this occasion from expressing our sincere regret and resentment at the palpable prostitution of those principles of virtue, patriotism, and duty, which has been displayed by a majority of the canvassing committee, in the wanton violation of our most sacred and inestimable privileges, in arbitrarily disfranchising whole towns and counties of their suffrages.

“ It was, perhaps, little contemplated, that the constitution of this State, which you had so great a share in framing, should to your prejudice, in the first instance, be in so flagrant a manner violated. However desirous we may be of seeing you fill the office of governor of the State of New-York, we only wish it from the free and fair suffrages of a majority of electors. That majority you have ; and though abuse of power may for a time deprive you and the citizens of their right, we trust the sacred flame of liberty

is not so far extinguished in the bosoms of Americans as tamely to submit to wear the shackles of slavery, without at least a struggle to shake them off."

The occasion presented an opportunity, which a demagogue would eagerly have embraced, of identifying himself with the cause of the people, and of inflaming passions which might be converted to his own advancement. Mr. Jay, however, wished not to direct, but to allay the storm.

*"To the Committee of the Citizens of Lansingburgh.*

"GENTLEMEN,

"Permit me to request the favour of you to present to my fellow-citizens of Lansingburgh my sincere acknowledgments for the honour they have done me on this occasion, and be assured that the manner in which you have conveyed their sentiments adds to the satisfaction which they inspire.

"Their approbation increases the pleasure with which I reflect on my endeavours to serve the cause of liberty and my country, and that approbation derives additional value from the ardour and firmness which they manifested in it.

"The various bounties of Heaven to the people of this State conspire in conferring abundant reasons for harmony and content, and every event is to be regretted that tends to introduce discord and complaint. Circumstanced as I am in relation to the one you mention, I find myself restrained by considerations of delicacy from particular remarks.

"The people of the State know the value of their rights, and there is reason to hope that the efforts of every virtuous citizen to assert and secure them will be no less distinguished by temper and moderation, than by constancy and zeal.

"In whatever station or situation I may be placed, my

attachment to my country will remain unabated, and I shall be happy in every opportunity of evincing my respect and best wishes for the citizens of Lansingburgh."

He then proceeded to Albany, being escorted into that place by its citizens. The next day he was invited to a public dinner, at which the mayor, in behalf of the city, presented to him an address of the same character with the last.

On the following day he departed under a salute of artillery, and on crossing the ferry was received with another salute, and attended for twelve miles on his journey by a body of cavalry. On the 4th of July he reached Hudson. The citizens were preparing to celebrate the anniversary of Independence, when they were informed that the chief justice was on the road. Arrangements were immediately made for receiving him. A cavalcade of two hundred departed to meet him, and wait upon him into the city, and his arrival was announced by salvoes of artillery. A public dinner had been prepared, to which he was invited, and a complimentary address was made to him by the mayor. On his departure he was again honoured with a salute and an escort. When within eight miles of the city of New-York, he was met by a body of the citizens, who conducted him to his house. A public meeting was then called of "the friends of liberty," and a committee appointed to congratulate him on his return, and to express to him the sentiments of the inhabitants on the late attempt which had been made, "in contempt of the sacred voice of the people, in defiance of the constitution, and in violation of the uniform practice and settled principles of law," to deprive him of the high office to which he had been elected.

The following extract from his answer to the address from the committee breathes a spirit of kindness and mod-

eration, which evinces how little his feelings had been affected by the triumphal progress he had just made.

“In questions touching our constitutional privileges all the citizens are equally interested, and the social duties call upon us to unite in discussing those questions with candor and temper, in deciding them with circumspection and impartiality, and in maintaining the equal rights of all with constancy and fortitude.

“They who do what they have a right to do, give no just cause of offence; and therefore every consideration of propriety forbids that difference of opinion respecting candidates should suspend or interrupt the mutual good-humour and benevolence which harmonize society, and soften the asperities of human life and human affairs. By those free and independent electors who have given me their suffrages, I esteem myself honoured; for the virtuous who withheld that mark of preference, I retain and ought to retain my former respect and good will; to all I wish prosperity, public and private.”

A few days after, a public dinner was given to Mr. Jay, and on his retiring from table, the whole company, as a mark of their respect, waited upon him to his house.

These details, although minute, are interesting, as they prove the excited feelings of the people, and their devotion to the man of their choice; and at the same time exhibit the unusual spectacle of a popular leader striving to moderate the ardour of his followers, all burning to redress his wrongs; and impressing on them reverence for the laws, and courtesy and kindness towards his and their opponents.

By many of the public meetings held at this time, Mr. Jay was declared to be the rightful governor of the State; and there can be little doubt that, had he thought proper to assume the exercise of the office, there would not have been wanting many ready to support his claims. It was fortunate for the peace of the State that he was actuated by

principles the reverse of those which too often govern the aspirants for political power ; and also, that the meeting of the Legislature, to which the people looked for redress, was still distant.

The course pursued by Mr. Jay prevented any illegal ebullition of popular feeling. Governor Clinton was sworn into office, and the government was permitted to proceed without interruption. On the 6th November, the Legislature convened, and petitions on the subject of the canvass poured in from all parts of the State. A tedious investigation ensued, and it was soon discovered that in the lower House the anti-federal party had a small majority. The law regulating elections had made the decision of the canvassers final, and it was contended that the Legislature could not revise it. It was not, however, thought expedient to rest the claims of the governor to his office on the inability of the Legislature to examine them. The Assembly, therefore, resolved, by a majority of four votes, "that it does not appear to this House that the canvassers had conducted themselves with any impropriety in the execution of the trust reposed in them by law."

This result had for some time been anticipated, and was therefore received by the people without surprise, but with a feeling of disgust that, at the next election, prostrated the party by whom it had been effected.

During this and other years, Mr. Jay was at the expense of keeping at school six indigent boys of the town of Rye, where he had himself been brought up. This instance of unostentatious benevolence has become known only since his death, from letters found among his papers from the clergyman of the parish, who, acting as his almoner, from time to time selected the boys, and received and expended the funds for their education. It is not known when this charity was commenced or discontinued.

1793.] In the month of February, the Supreme Court

convened at Philadelphia, and its attention was called to a case of general and unusual interest. A citizen of South Carolina had brought a suit in this court against the State of Georgia, which had refused to appear, on the ground that being a sovereign and independent State, it was not subject to civil process. The court was, of course, compelled to decide on the validity of this objection to its jurisdiction. The chief justice pronounced the decision of the court in an elaborate opinion. The case was novel, and its merits were to be tested, not by precedents and legal authorities, but by the great principles of justice and constitutional law. It was also a case in which those widespread feelings and prejudices in favour of State sovereignty, which had so nearly prevented the adoption of the federal constitution, were strongly excited, and would undoubtedly be roused into full activity should the judgment of the court be adverse to the contumacious State. The chief justice seems to have been aware of the importance of the occasion, and his arguments, if they did not convince, were at least never refuted.

He investigated the nature of the sovereignty claimed by Georgia, and pointed out its distinction from the feudal sovereignty prevailing in Europe, which is centred in one individual, who, being himself the source of authority and power, cannot be sued by his subjects, and against whom no judgment could be enforced. The sovereignty of Georgia, on the other hand, was vested in the people, who, being without subjects and without superiors, were all on an equality; and hence, when they were sued, it was not by a subject, but an equal possessed of the same rights as themselves. One free citizen might sue any number of free citizens in a corporate capacity. If the forty thousand inhabitants of the city of Philadelphia could be compelled to do justice to a citizen of Delaware, why should the fifty thousand inhabitants of the State of Delaware be excused from doing justice to a citizen of Philadel-

phia ? It was admitted, that by the constitution one State might sue another ; and hence suability was not incompatible with State sovereignty. A State, also, may sue individuals. Why, in a country where all are equal, may not individuals sue a State—that is, all the citizens of the State ?

The constitution expressly extends the judicial power “ to controversies between a State, and the citizens of another State,” and to all cases “ where a State shall be a party.” These expressions do not imply that a State can only be a plaintiff. The chief justice admitted that it would be difficult to make the *United States* a defendant party, because no superior power existed to enforce the judgment ; whereas, in the case of a judgment against a State, the court could call on the national executive, if necessary, for aid. “ I wish,” said he, “ the state of society was so far improved, and the science of government advanced to such a degree of perfection, as that the whole nation could, in the peaceable course of law, be compellable to do justice, and be sued by individual citizens. For my own part,” continued he, “ I am convinced that the sense in which I understand and have explained the words ‘ controversies between a State and the citizens of another State ’ is the true sense. The extension of the judicial power of the United States to such controversies appears to me to be *wise*, because it is *honest*, and because it is *useful*.

“ It is *honest*, because it provides for doing justice without respect of persons, and by securing individual citizens as well as States in their respective rights, performs the promise which every free government makes to every free citizen of equal justice and protection.

“ It is *useful*, because it is honest ; because it leaves not even the most obscure and friendless citizen without the means of obtaining justice from a neighbouring State ; because it obviates occasions of quarrels between States, on account of the claims of their respective citizens ; because it recognises, and strongly rests upon this great moral



truth, that justice is the same, whether due from one man to a million, or from a million to one man; because it teaches and greatly appreciates the value of our free republican national government, which places all our citizens on an equal footing, and enables each and every of them to obtain justice, without any danger of being overborne by the number and weight of their opponents; and because it brings into action and enforces this great and glorious principle, that the people are the sovereigns of this country, and consequently that fellow-citizens and joint-sovereigns cannot be degraded by appearing with each other in their own courts, to have their controversies determined. The people have reason to prize and rejoice in such valuable privileges, and they ought not to forget that nothing but the free course of constitutional law and government can ensure the continuance and enjoyment of them."

The decision of the court instantly aroused that morbid sensibility on the subject of State rights which had opposed so many obstacles to the establishment of the federal government. A general alarm was felt, or affected, and the governors of several States brought the subject before their legislatures, that measures might be taken for averting the dangers to which State sovereignty was exposed.

But although the decision was unwelcome, it was not easy to refute the reasons on which it was founded, and the court seems to have escaped censure.

It was not contended that the court had misconstrued the constitution, but it was insisted that the jurisdiction given by that instrument to the Supreme Court, and exercised in the present instance, ought to be revoked. At the next session of Congress, an amendment to the constitution was proposed, and afterward ratified, declaring that the judicial power of the court should not extend to suits against a State, by a citizen of another State. However wise and just such a jurisdiction may be in theory, it would certainly

have been attended with many inconveniences in practice. Cases would probably have arisen in which the general government would have wanted either the power or the inclination to enforce the decisions of the court. A powerful State might have refused to submit to a judgment which it regarded as derogatory to its honour, or its welfare ; and it is not probable that the other States would have been willing to incur the hazards and burdens of a civil war, solely from a disinterested love of justice.

The foreign relations of the United States began now to excite the solicitude of all who were anxious to preserve the blessings of peace. The time had arrived when it became necessary for the government to decide on the course it would pursue with regard to the belligerent powers of Europe, and especially towards the new republic of France.

The following correspondence renders it probable that the celebrated proclamation of neutrality by Washington was suggested by Hamilton, then secretary of the treasury ; and that the first draught of it was made by the chief justice.

FROM ALEXANDER HAMILTON.

“ Philadelphia, April 9, 1793.

“ DEAR SIR,

“ When we last conversed together on the subject, we were both of opinion that the minister expected from France should be received.

“ Subsequent circumstances have perhaps induced an additional embarrassment on this point, and render it advisable to reconsider the opinion generally, and to raise this further question, Whether he ought to be received *absolutely* or with qualifications ?

“ The king has been decapitated. Out of this will arise a regent, acknowledged and supported by the powers of Europe almost universally—in capacity to act, and who

may himself send an ambassador to the United States. Should we in such case receive both? If we receive one from the republic and refuse the other, shall we stand on ground perfectly neutral?

“If we receive a minister from the republic, shall we be afterward at liberty to say, ‘We will not decide whether there is a government in France competent to demand from us the performance of the existing treaties?’ What the government of France shall be is the very point in *dispute*. Till that is decided, the *applicability* of the treaties is suspended. When that government is *established*, we shall consider whether such changes have been made as to render their continuance incompatible with the interest of the United States. If we shall not have concluded ourselves by any act, I am of opinion that we have at least a right to hold the thing suspended. Till the point in dispute is decided, I doubt whether we could *bona fide* dispute the ultimate obligation of the treaties. Will the unqualified reception of a minister conclude us? If it will, ought we so to conclude ourselves?

“Ought we not rather to refuse receiving, or to receive with qualification; declaring that we receive the person as the representative of the government, *in fact*, of the French nation, reserving to ourselves a right to consider the applicability of the treaties to the *actual situation* of the parties?

“These are questions which require our utmost wisdom. I would give a great deal for a personal discussion with you. *Imprudent things* have been already done, which render it proportionably important that every succeeding step should be well considered.

“With true attachment,

“I am, dear sir,

“Your obedient servant,

“A. HAMILTON.”

FROM ALEXANDER HAMILTON.

"Philadelphia, April 9th, 1793.

"MY DEAR SIR,

"I have already written you by this post. A further question occurs—Would not a proclamation prohibiting our citizens from taking commissions on either side be proper?

"Would it be well that it should include a *declaration of neutrality*? If you think the measure prudent, could you draught such a thing as you would deem proper? I wish much you could.

"Truly, as ever,

"A. HAMILTON."

"TO ALEXANDER HAMILTON.

"New-York, 11th April, 1793.

"DEAR SIR,

"Your letters of the 9th instant were this day delivered to me, as I was preparing to go out of town. The subject of them is important. I have not time to judge decidedly on some of the points. The enclosed will show what my present ideas of a proclamation are—it is hastily drawn—it says nothing about treaties—it speaks of neutrality, but avoids the expression, because in this country often associated with others. I shall be at Philadelphia in my way to Richmond. I think it better at present that too little should be said than too much. I would not receive any minister from a regent until he was *regent de facto*; and therefore I think such intention should be inferable from the proclamation. Let us do every thing that may be right to avoid war; and if, without our fault, we should be involved in it, there will be little room for apprehensions about the issue.

"It is happy for us that we have a president who will do

nothing rashly, and who regards his own interest as inseparable from the public good.

“Yours, sincerely,  
“JOHN JAY.”

On the 22d April the proclamation was issued. It was more concise than the one prepared by Mr. Jay, but, like that, omitted the word *neutrality*. The murmurs and disgust which this measure occasioned, evinced its necessity and wisdom.

The party which, under the denomination of anti-federalists, had opposed the establishment of the federal government, arrayed themselves with few exceptions against the prominent measures of Washington's administration. The French revolution, and the sympathy it excited in the United States, afforded this party an opportunity that was not neglected, of accusing the government of lukewarmness, if not hostility, towards their ancient allies, now contending with the despots of Europe for liberty and republican institutions.

The zeal of this party, which had now assumed the appellation of *republican*, received a new and powerful impulse on the arrival of Genet, as minister plenipotentiary to the United States from the French republic.

The secret object of Genet's mission, as it afterward appeared on the publication of his instructions, was to involve the United States in a war with England, and thus to effect a diversion in behalf of his own country. These instructions were given to a willing agent. Genet landed at Charleston the 8th April, and began immediately to distribute naval and military commissions, with which he had been abundantly provided by his employers. Having thus insulted the sovereignty and compromised the neutrality of the United States, he repaired to Philadelphia, where he was received with enthusiasm by the republican party. The day after his arrival, and before he had presented his

credentials and been acknowledged by the president, he was invited to a grand "republican dinner," at which the company united in singing the Marseillois hymn. A deputation of French sailors presented themselves, and were received by the guests with "the fraternal embrace." The table was decorated with the "tree of liberty," and a red cap, called the "cap of liberty," was placed on the head of the minister, and from his travelled in succession from head to head around the table.

Genet, imboldened by the support of his partisans, and the interest generally felt in behalf of the success of the French revolution, proceeded in executing his instructions. Privateers were fitted out in American ports, under commissions furnished by the minister, to prey upon British commerce; and French consuls held courts of admiralty for the condemnation and sale of prizes, and several British vessels were captured even within the waters of the United States.

During these proceedings, the Circuit Court was held at Richmond by the chief justice, who in his charge to the grand jury, explained the obligations of the United States as a neutral nation, and directed the jury to present all persons within their district, guilty of violating the laws of nations with respect to any of the belligerent powers. The charge was well calculated to strengthen the government, by letting the public perceive that the Supreme Court would fearlessly discharge its duty, in punishing acts forbidden by the neutral position of the nation.

Genet, however, regardless alike of the opinions of courts, the proclamation of the president, and the remonstrances of the government, persevered in preparing and directing within the United States, both naval and military operations against the enemies of France. His rash and extravagant conduct must be imputed to his belief that the people of this country were prepared to side with him in his controversy with the president of their choice, the beloved and

revered patriot who had led them to victory and independence. His mistake must not be ascribed solely to vanity. It no doubt originated in a great degree from his knowledge of the existence of a party opposed to the administration, and ready to second his views, and from an erroneous estimate of its strength and influence.

The proclamation of neutrality was denounced in the democratic papers, as an unconstitutional assumption of power on the part of Washington, and he was charged with an intention to join the league of kings against France. The minister himself, while insulting the government, was courted and caressed by the opposition, and his conduct vindicated in the public journals.

A paper in Philadelphia, whose editor was employed in the department of state under Mr. Jefferson, contained the following :

“The minister of France, I hope, will act with firmness and spirit. The *people* are his friends, or the friends of France, and he will have nothing to apprehend ; for, *as yet*, the people are the sovereign of the United States. Too much complacency is an injury done to his cause, for, as every advantage is already taken of France (not by the *people*), further condescension may lead to further abuse. If one of the leading features of our government is pusillanimity, when the British lion shows his teeth, let France and her minister act as becomes the dignity of their cause, and the honour and faith of nations.”

It is not surprising that with such encouragements Genet, on receiving an intimation from the government that force would, if necessary, be used to prevent a French privateer, illegally armed, from putting to sea, ventured to declare that he “would appeal from the president to the people.” This threat, which could only intend a physical resistance to the constituted authorities, by means of a mob, was reported to the chief justice and Mr. King, at Philadelphia.

On the 12th August, these gentlemen published in New-York, the following note :

“ MESSRS. PRINTERS,

“ Certain late publications render it proper for us to authorize you to inform the public, that a report having reached this city from Philadelphia, that Mr. Genet, the French minister, had said he would appeal to the people from certain decisions of the president, we were asked on our return from that place whether he had made such a declaration; we answered that *he had*, and we also mentioned it to others, authorizing them to say that we had so informed them.

“ JOHN JAY.

“ RUFUS KING.”

We might naturally suppose, that the fact thus announced and authenticated would have excited a general burst of indignation against the arrogant foreigner, who had dared to insult the nation, in the person of its venerated chief; but with the republican party, the indignation caused by the note was directed only against its authors. “ As if,” to use the language of the biographer\* of Washington, “ no sin could equal the crime of disclosing to the people a truth, which, by inducing reflection, might check the flood of that passion for France, which was deemed to be the surest test of patriotism; the darkest motives were assigned for the disclosure, and the reputation of those who made it could be rescued only by a lapse of years, and a change of the subjects of controversy, from the peculiar party odium with which they were at the time overwhelmed.”

The democratic papers immediately espoused the cause of the French minister, and with singular inconsistency

\* Marshall.



maintained that the testimony of the chief justice, and of Mr. King, then a senator in Congress, was insufficient to establish the charge they had made against Genet; and that the charge, if true, involved no criminality.

“Is the president,” it was asked, “a consecrated character, that an appeal from his decisions must be considered criminal? Or are the people in such a state of degradation, that to speak of consulting them, is an offence as great as if America groaned under a dominion equally tyrannical with the old monarchy of France?”

The bitterness with which Mr. Jay and Mr. King were assailed by the partisans of Genet, evinced their consciousness of the injury their cause had sustained from the disclosure. But although Genet's influence gradually declined from this time, and was finally extinguished by his recall, the objects at which he had aimed, an alliance with France and a war with England, were still pursued with ardour by a numerous party. The conduct of England favoured the views of this party. British garrisons still held no less than eight posts on the frontiers, and within the jurisdiction of the United States; in open and avowed violation of the treaty of peace. The officers commanding these posts excluded American citizens from the navigation of the great lakes, and claimed authority over all who resided within the vicinity of the forts. Nor had any compensation yet been made for the negroes carried away by the British fleet, on the conclusion of the war. To these causes of complaint, others had recently been added. On the 8th June, an order of council had been issued, directing that all vessels carrying grain or flour to France, or to ports occupied by French troops, should be captured and sent into a British port, where the cargoes were to be purchased for the government, unless security should be given that they would be landed in some country at peace with England. The folly of this order was equalled only by its injustice. It was intended by afflicting France with famine, to dispose

her to peace; but seldom has any means been used less adapted to the end proposed. Of the bread-stuffs imported into France, much the larger portion was derived from the United States; and yet it was ascertained, on inquiry, that this portion was insufficient for the supply of the nation for even three weeks! At the same time, so gross an outrage on the rights of neutral nations was far more likely to increase the allies of France, than to oppose the slightest obstacle to the progress of her arms. On the 6th November, another order still more exceptionable appeared. By this order the British cruisers were directed to capture and send home for "legal adjudication," all vessels carrying supplies to any French colony, or laden with its produce.

Great Britain also claimed a right, which, although less questionable than many of her other pretensions, was attended in its exercise with abuses that necessarily rendered it odious. The English naval commanders, under the pretence of looking for and impressing English sailors, frequently subjected American vessels to vexatious searches at sea, and sometimes deprived them of a part of their crews under the suspicion, whether real or affected, of being British subjects.

1794.] The numerous seizures of American vessels, under the British orders, naturally and justly excited general irritation throughout the country. This irritation was zealously inflamed by the partisans of France, who saw in the conduct of the court of London a favourable opportunity for effecting an alliance between the two republics. Hence it happened, that the language in which the popular complaints were uttered, instead of being that of calm and dignified remonstrance, inspired by confidence in the ability and inclination of their government to protect the rights of the nation, was too generally inflammatory and indecent; and almost as disrespectful to the national administration as it was to the British sovereign. The democratic clubs, and the papers in their interests, were loud in their calls upon

the government to depart from its pusillanimous system of neutrality, and to make common cause with the French republic against the tyrant of England, the natural enemy of all republics.

In the mean time, Congress was neither insensible to the wrongs of their country, nor indisposed to redress them ; but a diversity of opinion existed as to the proper course to be pursued. The party in Congress opposed to the administration recommended an increase of duties on the manufactures of such nations as had no commercial treaties with the United States, and to reduce them in favour of all other nations. The real object of this proposition was to burden the commerce of England, and to give a bounty on that of France. By the federal party, this mode of retaliating the aggressions of England was resisted as inconsistent with the interests and the dignity of the nation, and advantageous to France alone. They insisted, that if Great Britain could not be induced by negotiation to abandon her unjust pretensions, an appeal ought to be made to arms, and not to commercial restrictions. A vote of the House of Representatives indicated, however, a small majority in favour of the latter resort. In the mean time the perils to which American commerce was exposed were so imminent, that the government was induced on the 26th March to lay an embargo for thirty days on all vessels bound to foreign ports. The House of Representatives also took measures for increasing the regular military force, and for organizing 80,000 militia. The next step taken on the part of the majority in this house, was a proposition to sequester all debts due from American citizens to British subjects ; and from these debts to constitute a fund for the indemnification of such as had suffered from British spoliations. This proposition was of course opposed by all who entertained a proper respect for national faith and honour. Its discussion, however, was interrupted by the introduction of another project, which was a resolution to suspend all com-

mercial intercourse with Great Britain, till she should make full compensation for the losses sustained under her orders in council ; and until she should surrender the posts agreeably to the treaty of peace.

Thus were the relations between the two countries rapidly approaching to a state of open hostility ; but their progress was still too slow to satisfy those who were impatient for a closer connexion with France. The minority in Congress were denounced as a British faction, seeking to impose chains on their country, and even the majority were reproached for want of energy and decision.

Washington, who, in pursuing the welfare of his country, was never enticed nor driven from his path by popular applause or clamour, concurred in opinion with the minority in Congress. With them, he wished either an honourable peace or an open war with Great Britain ; and while he regarded some of the proposed measures as irritating but inefficient, he must have condemned others as derogatory to the national character.

That a war with England would necessarily check the unexampled prosperity of the nation, throw her into the arms of France, and expose her institutions, manners, and morals to the influence of that revolutionary phrensy which had caused so much crime and misery in the sister republic, were truths too obvious to escape the attention of minds far less discerning than that of the president. At the same time it was equally obvious, that under existing circumstances, peace with England could not be much longer preserved, except at the sacrifice of the rights, property, and honour of the country.

At this juncture the chief justice was called to Philadelphia, by the term of the Supreme Court, little anticipating or desiring the new honours and toils which awaited him. Always inclined to rural pleasures and occupations, he had resolved to leave the city of New-York, and to erect on his estate at Bedford a dwelling-house, for the ac-

commodation of himself and family. Here he designed to employ his intervals of leisure in superintending the education of his children, and in improving and embellishing his farm. The subjoined extracts from his letters to Mrs. Jay refer to this plan.

“Philadelphia, 9th April, 1794.

“I arrived here on Monday evening; and yesterday dined with the president. The question of war or peace seems to be as much in suspense here as in New-York when I left you. I am rather inclined to think that peace will continue, but should not be surprised if war should take place. In the present state of things, it will be best to be ready for the *latter* event in *every* respect.”

“10th April, 1794.

“The aspect of the times is such, that prudential arrangements calculated on the prospect of war should not be neglected, nor too long postponed. Peace or war appears to me a question which cannot be solved. Unless things should take a turn in the mean time, I think it will be best on my return to push our affairs at Bedford briskly. There is much irritation and agitation in this town, and in Congress. Great Britain has acted unwisely and unjustly; and there is some danger of our acting intemperately.”

Washington determined to make one effort more to avert from his country the evils of war; and for this purpose to send a special envoy to England, to try what could be effected by temperate and honest, but firm remonstrances. Between himself and Mr. Jay, the most confidential and uninterrupted intercourse had subsisted from an early period in the revolutionary war. To the chief justice the president now turned in this moment of painful anxiety, and urged upon his friend the acceptance of the

mission. The following letters show on what grounds his consent was given, and how little the appointment was coveted by himself or family.

“TO MRS. JAY.

“Philadelphia, 15th April, 1794.

“MY DEAR SALLY,

“I was this evening favoured with yours of the 14th. It is now between eight and nine o'clock, and I am just returned from court. I expect, my dear Sally, to see you sooner than we expected. There is here a serious determination to send me to England, if possible to avert a war. The object is so interesting to our country, and the combination of circumstances such, that I find myself in a dilemma between personal considerations and public ones. Nothing can be much more distant from every wish on my own account. I feel the impulse of duty strongly, and it is probable that if on the investigation I am now making, my mind should be convinced that it is my duty to go, you will join with me in thinking that on an occasion so important, I ought to follow its dictates, and commit myself to the care and kindness of that Providence, in which we have both the highest reason to repose the most absolute confidence. This is not of my seeking; on the contrary, I regard it as a measure, not to be desired, but to be submitted to.

“A thousand reflections crowd into my mind, and a thousand emotions into my heart. I must remember my motto, *Deo duce perseverandum*. The knowledge I have of your sentiments on these subjects affords me consolation.

“If the nomination should take place, it will be in the course of a few days, and then it will appear in the papers; in the mean time say nothing on the subject, for it is not impossible that the business may take another turn, though I confess I do not expect it will.

"My dear, dear Sally, this letter will make you as grave as I am myself; but when we consider how many reasons we have for resignation and acquiescence, I flatter myself that we both shall become composed.

"If it should please God to make me instrumental to the continuance of peace, and in preventing the effusion of blood and other evils and miseries incident to war, we shall both have reason to rejoice. Whatever may be the event, the endeavour will be virtuous, and consequently consolatory. Let us repose unlimited trust in our Maker; it is our business to adore and to obey. My love to the children.

"With very sincere and tender affection,

"I am, my dear Sally, ever yours,

"JOHN JAY.

"P.S. It is supposed that the object of my mission may be completed in time to return in the fall."

"TO MRS. JAY.

"Philadelphia, 19th April, 1794.

"MY DEAR SALLY,

"I refer you to the two last letters which I wrote to you this week. It was expected that the Senate would yesterday have decided on the nomination of an *envoy* to the court of London, but measures respecting the embargo occupied them through the day. To-day *that* business is to be resumed, and you shall have the earliest notice of the result. So far as I am personally concerned, my feelings are very, very far from exciting wishes for its taking place. No appointment ever operated more unpleasantly upon me; but the public considerations which were urged, and the manner in which it was pressed, strongly impressed me with a conviction that to refuse it would be to desert my duty for the sake of my ease and domestic concerns and comforts. I derive some consolation from the prospect

that my absence will not be of long continuance, and that the same Providence which has hitherto preserved me will still be pleased to accompany and restore me to you and our dear little family.

“The court has unceasingly engrossed my time. We did not adjourn until nine last night. I feel fatigued in body and mind. But reflections of this kind are not to be indulged; I must endeavour to sustain with propriety the part assigned me, and meet with composure and fortitude whatever disagreeable events may occur to counteract my wishes or increase my task. I shall have *rest* in time, and for *that rest* I will not cease to prepare. I am very anxious to be with you; and the moment the preparatory measures here will permit, I shall set out.

“My love to the children; and believe me to be unalterably and affectionately yours,

“JOHN JAY.”

“TO MRS. JAY.

“Sunday evening, 20th April, 1794.

“MY DEAR SALLY,

“I this moment received yours by General Schuyler. As yet I have not seen him. It found me alone, and not a little pensive. Your own feelings will best suggest an idea of mine. God’s will be done; to him I resign—in him I confide; do the like; any other philosophy applicable to this occasion is delusive—away with it. Your indisposition affects me. Resist despondency; hope for the best.

“Yesterday the Senate approved of the nomination by a great majority. Mr. Burr was among the few who opposed it. I have hopes that our friend, Mr. Trumbull, will consent to go as secretary. To-morrow the preparations for despatching me will begin; when they will be completed, so as to admit of my leaving this place, I cannot yet decide. I am exceedingly impatient to set out for New-York.



"God bless and preserve you all. Be assured that I shall never cease to be,

"My dear Sally,  
"Your very affectionate husband,  
"JOHN JAY."

FROM MRS. JAY.

"New-York, 22d April, 1794.

"MY DEAR MR. JAY,

"Yesterday I received your two kind letters of Saturday and Sunday. I do indeed judge of your feelings by my own, and for that reason forebore writing while under the first impression of surprise and grief.

"Your superiority in fortitude, as well as every other virtue, I am aware of; yet I know too well your tenderness for your family to doubt the pangs of separation. Your own conflicts are sufficient; they need not be augmented by the addition of mine. Never was I more sensible of the absolute ascendancy you have over my heart. When, almost in despair, I renounced the hope of domestic bliss, your image in my breast seemed to upbraid me with adding to your trials. That idea alone roused me from my despondency. I resumed the charge of my family, and even dare hope that, by your example, I shall be enabled to look up to that Divine Protector from whom we have indeed experienced the most merciful guardianship.

"The children continue well. They were exceedingly affected when they received the tidings, and entreated me to endeavour to dissuade you from accepting an appointment that subjects us to so painful a separation.

"Farewell, my best beloved.

"Your wife till death,

"And after that a ministering spirit."

The nomination of Mr. Jay was strenuously opposed in the Senate. It interfered with the views of those who

desired a war with England, and a closer connexion with France. The appointment, it was contended, compromised the independence of the judicial department, by teaching the judges to aspire to executive favours; and the proposed envoy, it was asserted, had by his vindication of the conduct of Great Britain, while secretary for foreign affairs, evinced his unfitness for the duty now intrusted to him. The nomination was confirmed by a vote of 18 to 8.

The House of Representatives, in which there was a small majority against the administration, determined if possible to render the mission to England abortive. Two days after the appointment of the envoy the House resolved that from the first of November ensuing, the importation into the United States of all articles of the growth or manufacture of Great Britain or Ireland ought to be prohibited. A bill to this effect was accordingly introduced and passed; but was rejected in the Senate, by the casting vote of the vice-president. Had a measure so irritating and offensive been adopted, the conciliatory efforts of Mr. Jay would in all probability have been unavailing, and the failure of his negotiation must have inevitably been succeeded by war.

An attempt was soon after made by Mr. Monroe in the Senate to suspend by law the article of the treaty of peace which secured to British creditors the right of recovering in the United States their honest debts. This proposal to wrest from innocent individuals a right founded in common justice, and guaranteed by the national faith, was supported by only two senators. It is due to Mr. Monroe to mention that he acted under instructions from the Legislature of Virginia!

The critical situation of the country urged the speedy departure of Mr. Jay, and on the 12th May he embarked at New-York, accompanied by his eldest son, and by Col. Trumbull as his secretary. About a thousand of his fellow-

citizens attended him to the ship; thus testifying their respect for the envoy, and their interest in his mission.

The following is extracted from a letter to Mrs. Jay, sent the next day by the return of the pilot-boat:—

“ I have seen this day’s newspapers, and the Philadelphia democratic resolutions published in them. They give me no concern, and I hope they will be equally indifferent to you. The less you say on such subjects, the less you will flatter the importance of those who may not wish us well. We have the prospect of a good voyage, but it would be infinitely less disagreeable if it was towards, instead of being from you and our children and friends. I look forward to that pleasure, and sincerely hope and pray that a kind Providence will so order events, that my return be not protracted beyond the time we contemplate. Kiss our little ones for me. Once more farewell:—and that the Author and Giver of all consolation may be and remain with you and them for ever, will not cease to be the prayer of

“ Your very affectionate husband,

“ JOHN JAY.”

The resolutions alluded to in this letter consisted of an inflammatory denunciation, by the Philadelphia democratic society, both of the mission and the minister. The efforts made at this period, by the democratic societies in the United States, to destroy the confidence reposed in the patriotism and integrity of Washington, and to counteract the measures of his administration, render their origin, character, and designs an interesting subject of inquiry.

The Jacobin club of Paris was established at a time when the revolution had prostrated all legitimate government, and had invested the mob, under the name of “ the sovereign people,” with the privilege of murdering and plundering at pleasure. This club numbered among its members and leaders Robespierre, Danton, Marat, Collot d’Herbois,

Santerre, and indeed almost all the ferocious demagogues who in succession acquired the power of sacrificing the liberties and lives of their countrymen to their own unhallowed passions. The Jacobin club claimed to be the great champion of the rights of the people; and care was taken that none should be admitted whose nerves or consciences might shrink from the means, by which it was determined those rights should be protected. Hence the club never contained, it is said, more than eighteen hundred members, who were admitted by ballot. This number, scattered through Paris, was sufficient to disseminate the doctrines and views of their leaders, while it was not too unwieldy to be subjected to the necessary discipline. But what was wanting in the number of its members was amply compensated by the multitude of its affiliated clubs, dispersed through France, and amounting to not less than two thousand. With these the parent club maintained an active correspondence, and, through their co-operation, exercised a most relentless and appalling despotism.

A few days after Genet's arrival in Philadelphia, the "Pennsylvania Democratic Society" was organized in that city. Its constitution was à la mode de Paris, and an invitation was held forth for the formation of affiliated societies throughout the Union. The invitation was not given in vain: democratic societies started into being in almost every section of the Union; all professing the same object,—the rescue of the people from the oppression and corruption of their rulers.

The Charleston society forwarded a petition to the Paris club, praying for the honour of adoption. The request was opposed on the ground that the Americans were undeserving such a favour, as they had not yet shed their blood in the cause of France. The society, however, found an advocate in the notorious Collot d'Herbois, who contended that the desired honour would have a tendency to induce the Americans to discharge the obligation.

No associations could have been more completely subversive of the principles of a representative government than these societies, formed as they were for the express purpose of controlling the deliberations and measures of the constituted authorities. Had they been assemblies of the people convened to investigate the conduct of their rulers, their decisions might have claimed the respect due to an expression of the public sentiment. But far from opening their doors to the public, these societies carefully excluded, by the ballot, every individual whose republicanism did not rise to the degree which they chose to make the standard of true patriotism. Hence, while pretending to express the **VOICE OF THE PEOPLE**, they were frequently acting in direct opposition to the wishes and opinions of the community in which they happened to be established. The authority at which they aimed was arbitrary and unconstitutional in the extreme. Self-elected, and having in no respect a representative character, they attempted to control the government; and their resolves, passed in secret conclave, were sent forth as the will of the people, and every resistance to their mandates was denounced as a crime against republicanism. Had these irresponsible societies acquired the power at which they grasped, the people of the United States would have been virtually subjected to a tyrannical oligarchy, the more odious and dangerous from being amenable to no tribunal.

The immediate object of the democratic societies was to thwart the endeavours of Washington to maintain the neutral attitude of the country. Hence all their measures tended to force the nation into an alliance with France, and a war with England. The New-York society, a few days after Mr. Jay's departure, published an address to the people, in which they declared—"We take pleasure in avowing that we are lovers of the French nation; that we esteem their cause as our own. We most firmly believe that he who is an enemy to the French revolution cannot be

a firm republican ; and, therefore, though he may be a good citizen in other respects, ought not to be intrusted with the guidance of any part of the machine of government." A Pennsylvania society resolved that the president had no right to issue the proclamation of neutrality, and denied the assertion in the proclamation that neutrality was the duty and interest of the United States. The mission to England was loudly censured, and the envoy objected to on account of his high standing in the community. "The revolution of France," it was said, "had sufficiently proved that generals may be taken from the ranks, and ministers of state from the obscurity of the most remote village. Is our president, like the grand sultan of Constantinople, shut up in his apartment, and unacquainted with all talents or capacities but those of the seraskier or mufti that happens to be about him?"

A Virginia society, in obvious reference to Washington, voted that the constitution ought to be so altered as to render the president ineligible a second time.

After the president had demanded the recall of Genet, the Pennsylvania society informed the people, that foreign ministers were responsible only to their own governments, and insinuated that the objections which had been made to Genet's conduct originated in *foreign* influence.

We have Washington's own assertion, that the rebellion in Pennsylvania, on account of the excise law, was fomented by the democratic societies ; unquestionably for the purpose of impairing his influence, and embarrassing his administration.

Great pains were taken by these societies to incorporate with American manners the follies and extravagances engendered by the French revolution. The New-York society provided by its constitution that the term *Citizen* should be prefixed to the designation of all its officers ; and thus the aristocratic address of *Mr. Chairman* was exchanged by its members for the republican appellation of

"Citizen Chairman." The society gave a public dinner on the 4th July, and, faithful to this patent mode of maintaining the equal rights of their countrymen, toasted the president of the United States as "Citizen George Washington," without adding a word indicative of respect for his station, or gratitude for his services. It was even discovered, that courtesy to the fair sex was inconsistent with republicanism; and although good democrats still married, the more scrupulous were careful that the public journals, in announcing the marriage, should designate the bride as "Citess," instead of Miss.

It is scarcely credible to what an extent the absurdities devised and practised by the French demagogues to inflame the passions of the mob, were adopted and applauded by multitudes of the hitherto staid and reflecting citizens of the United States. All heraldic bearings had been denounced in France as aristocratic; in America, few could be found to offend the lovers of equality; but fastidious patriots were not wanting who were scandalized at the sight of a spread eagle on the coin, and over the caption of printed acts of Congress. The eagle, like the lion and the unicorn, was supposed to have some affinity with royalty; and was therefore declared in the newspapers to be undeserving the honour bestowed on him. The tree of liberty, surmounted by the cap of liberty, was everywhere erected, as if such emblems could add security to the rights and liberties of the people, already amply protected by their own laws and constitutions. A liberty cap, decorated with the French and American flags, was placed with great pomp in the Merchants' Exchange, in New-York. A large concourse assembled on the occasion, and united in singing patriotic songs, while a detachment of the militia attended under arms in honour of the ceremony.

But the patriotism which blazed in these fantastic and equivocal forms derived no portion of its warmth from

admiration for the character of him, whom a grateful nation had placed at the head of its government. A democratic public dinner was given at Philadelphia, in honour of the French victories; Genet, of whose insolence Washington had complained to Congress, and whose recall he had already demanded, was an invited guest. In the toasts prepared for the occasion, an opportunity was presented and embraced of offering a double insult to the president. "The persecuted Genet," and "May laws, and not proclamations, be the instruments by which freemen shall be governed," mark the influence of foreign partialities in counteracting the dictates of decency and patriotism.

Another fête was given at Philadelphia, in honour of the revolution in Holland. A great crowd assembled in the public square, and thence marched in procession, bearing the French and Dutch flags, into the garden attached to the residence of the French minister, the successor of Genet. In the garden was erected an altar to Liberty, and before this altar the mob, after chanting hymns to the goddess, took an oath to be faithful to her, and never to forget the genius and the arms that had restored freedom. The profanity and folly of this oath indicate its foreign origin. After this mummary, the minister addressed the multitude, and in evident allusion to Mr. Jay's mission, told them that as virtuous men rejected the friendship of the wicked, so a free people should have no union with despots, engaged in war with nations who were breaking their fetters. The festivity concluded with a public dinner, at which there were four hundred guests. The democratic societies were toasted with applause, but HE who was first in war, first in peace, and who ought to have been first in the hearts of his countrymen, remained unnoticed.

Nearly a whole generation has passed away since the scenes and follies we have mentioned were acted: they linger in the recollection of a few only, and are so discordant with the present character of the American people,



that were they not recorded in the journals of the time, we should be inclined to believe that they belonged rather to fiction than to history.

We have entered into these details, not for the sake of reviving and perpetuating transactions on which no American can dwell with pleasure, but for the purpose of showing the obstacles to a reconciliation with England, presented by the machinations of the democratic societies, and the infatuated predilection for republican France, which at that time was extensively felt in the United States; and also for the purpose of laying open the secret sources of that inveterate hostility which the treaty concluded by Mr. Jay was doomed to encounter.

## CHAPTER IX.

1794-95.

Negotiation of British Treaty—Extracts from Mr. Jay's Correspondence.

THREE objects were contemplated by Mr. Jay's instructions. These were, compensation for the losses sustained by American merchants in consequence of the orders in council, a settlement of all existing disputes in relation to the treaty of peace, and a commercial treaty. The confidence placed by the president in his envoy, led him to direct him to consider his instructions merely in the light of recommendations. Only two restrictions were imposed on the discretion of the minister: one was, not to enter into any stipulation inconsistent with the existing engagements of the United States with France; and the other not to conclude any commercial treaty that did not secure to the United States a direct trade in their own vessels, "of certain defined burdens," with the British West India islands, in whatever articles were at present allowed to be carried in British bottoms. These restrictions were probably imposed with the view of furnishing evidence, should it ever be required, both of the good faith of the government towards France, and of its attention to the commercial interests of the nation.

Mr. Jay landed at Falmouth on the evening of the 8th June, and with his usual promptitude forwarded the same night to Lord Grenville, the secretary for foreign affairs, a letter announcing his arrival. In a few days he reached London, and his first note to the British minister affords a

specimen of the friendly and conciliatory tone which both policy and propriety induced him to adopt.

“ Pallmall, Royal Hotel, 15th June, 1794.

“ MY LORD,

“ You have doubtless received a letter which I had the honour of writing to you from Falmouth. I arrived here this morning. The journey has given me some health and much pleasure, nothing having occurred on the road to induce me to wish it shorter.

“ Col. Trumbull does me the favour to accompany me as secretary ; and I have brought with me a son, who I am anxious should form a right estimate of whatever may be interesting to our country. Will you be so obliging, my lord, as to permit me to present them to you, and to inform me of the time when it will be most agreeable to your lordship that I should wait upon you, and assure you of the respect with which

“ I have the honour to be, &c. &c.

“ JOHN JAY.”

Lord Grenville was commissioned by the king to treat with Mr. Jay, and the sincerity and candour of the two negotiators soon led to a degree of mutual confidence that both facilitated and lightened their labours. Instead of adopting the usual wary, but tedious mode of reducing every proposition and reply to writing, they conducted the negotiation chiefly by conferences, in which the parties frankly stated their several views, and suggested the way in which the objections to those views might be obviated. It was understood that neither party was to be committed by what passed in these conversations ; but that the propositions made in them might be recalled or modified at pleasure.

In this manner the two ministers speedily discovered on what points they could agree, where their views were irreconcilable, and on what principles a compromise could be effected.

The period at which this negotiation was commenced added not a little to the difficulties in which it was involved, and exacted from the American envoy an unusual degree of circumspection.

On his arrival in England, the revolutionary phrensy in France was at its height. Robespierre was revelling in all the wantonness of unbridled power; and the French people, the unconscious vassals of a bloody tyrant, were perpetrating acts of cruelty and impiety, which excited the astonishment and abhorrence of all who duly estimated the claims of humanity and the obligations of religion. With this people the British monarch was waging a war, in which he was supported by the enthusiastic co-operation of his own subjects, and by the alliance of Russia, Austria, Spain, and Sardinia. Although in this war the United States were professedly neutral, yet it was well known that the sympathies of a large portion of their citizens were enlisted on the side of France, and that they were with difficulty restrained by their government from violating the duties of neutrality. The late proceedings of Congress, also, had tended but little to conciliate the good will of England. The American war, and the consequent independence of her colonies, had moreover wounded the pride of Britain, and engendered feelings towards the United States unpropitious to the present negotiation. The extent of her resources, the number of her allies, the nature of the war in which she was engaged, and her resentments towards the United States, all combined to indispose Great Britain either to acknowledge the wrongs she had committed, or to make reparation for them.

Mr. Jay, moreover, arrived at a moment of national rejoicing for a splendid victory which had just been achieved by Lord Howe over the French fleet. If under all these circumstances he had affected a republican sternness, and a disregard of the usual courtesies of courts; if in a lofty tone he had denounced the aggressions of Britain, and

threatened her with the vengeance of the American republic, unless she instantly complied with all his demands, his mission would have terminated abruptly, and a war with England, and an alliance with France, would have been the bitter fruits of his imprudence. The temper and dispositions with which he conducted this negotiation are disclosed in an official despatch to Mr. Randolph, the American secretary of state.

“I shall persevere in my endeavours to acquire the confidence and esteem of this government, not by improper compliances, but by that sincerity, candour, truth, and prudence which, in my opinion, will always prove to be more wise and more effectual than finesse and chicanery. Formal discussions of disputed points should, in my judgment, be postponed, until the case becomes desperate; my present object is to accommodate, rather than to convert or convince. Men who sign their names to arguments, seldom retract. If, however, my present plan should fail, I shall then prepare and present such formal, and at the same time such temperate and *firm* representations, as may be necessary to place the claims and conduct of the two governments in their proper points of view.”

The British spoliations upon American commerce had arisen from a series of orders in council, evidently at variance with the rights of neutrals; and under these orders, not only had American property to a prodigious amount been captured, but frequent seizures had been made, which were not expressly authorized by them, and which therefore led to a tedious and expensive course of litigation in the English courts of admiralty.

It will be readily conceived, that Great Britain would with great reluctance acknowledge before the world, that in issuing these orders she had transgressed the laws of nations, and as a proof of her penitence, restore the booty she had taken. Mr. Jay was too well versed in the knowledge both of courts and of human nature, to ask for humiliating

concessions ; and yet the chief object of his mission was to obtain compensation for these outrages ; and he well knew that unless this point was effected, war must ensue. He proposed that commissioners should be appointed, who, upon due investigation, should award compensation for all American vessels and property that had been illegally captured and condemned during the existing war, "*under colour*" of authority and commissions derived from the king, and for which no redress could be obtained in his majesty's courts. This course, while it saved the pride of England, would effectually secure the rights of American claimants. The proposition was accepted, and it was agreed that four commissioners should be appointed, two by the king, and two by the president and senate. These four were to appoint a fifth, but if they could not agree in their choice, then the commissioners on each side were to nominate a person, and one of the persons thus nominated was to be selected by lot. These five commissioners were to meet in London, and to decide all claims that came before them, "according to the merits of the several cases, and to justice, equity, and the laws of nations." This last condition virtually abrogated the orders in council, as affording any justification for the captures made under them.

The next object of attention was the differences existing between the two countries in relation to the infractions of the treaty of peace. We have already seen that, contrary to the stipulations of this treaty, certain negroes had been taken from New-York by the British, on the conclusion of the war ; and certain military posts, which were to have been evacuated, were still garrisoned by British troops. The treaty had also been disregarded on the part of the United States, by certain legal enactments which prevented British creditors from recovering their just debts.

The treaty had stipulated that his Britannic Majesty should, with all convenient speed, withdraw his armies, garrisons, and fleets from the United States, without "*car-*

*rying away any negroes or other property of the American inhabitants."* The British minister insisted that the purport of these words was to secure the American inhabitants from depredation, not to entitle them to the restitution of property they had lost by the fortune of war; and he denied that the negroes in question were, at the time they were carried away, any more the property of their former masters than the ships or horses that had been taken in battle.

This reasoning, whether conclusive or not, had too much semblance to truth to justify Mr. Jay in maintaining its fallacy at the hazard of breaking off the negotiation. Lord Grenville peremptorily refused to make any compensation whatever for these negroes; and when it is recollected, that the American negotiator, by waiving this claim and pursuing the other and more important objects of his mission, finally obtained for his countrymen many millions for the losses they had sustained on the ocean, and saved to them many more millions by averting an impending war, few will be disposed to censure his conduct.

The case of the negroes being thus disposed of, the breach of the treaty on the part of the United States, in obstructing the collection of British debts, remained to be corrected before the evacuation of the posts could be decently demanded.

It is true that, under the new constitution, the federal courts were open to British creditors, and that they there found the justice which had been refused to them before. But the federal courts had been established only for the last six years, and various debts had been previously lost by the inability of the creditors to recover them,—the debtors having become insolvent, removed, or died. In these cases the courts could afford no relief, and the British government claimed reparation. Mr. Jay acknowledged the justice of the claim, and provided for its satisfaction. He prepared an article, which was inserted in the

treaty, stating that "whereas it is *alleged* by divers merchants and others, his majesty's subjects," that they had sustained various losses by the legal impediments they had experienced in collecting debts in America due to them before the war, it was agreed that commissioners should be appointed in the same manner as those already mentioned, who should award full compensation for losses for which compensation could not be obtained in the ordinary course of justice.

The British were thus deprived of all pretence for retaining the posts, and it was agreed that they should be surrendered on or before the 1st June, 1796. The settlers and traders within the jurisdiction of the posts were to be permitted to remain and to enjoy their property without becoming citizens of the United States, unless they should think proper to do so.

Several British vessels had been captured by French privateers illegally armed in American ports, and some had even been taken in the waters of the United States. Washington had, in 1793, admitted the obligation of the United States to make compensation for these captures; and it was now agreed, that all claims of this nature should be settled by the commissioners to whom claims for British spoliations had already been referred.

The complaints on either side being thus amicably and honourably adjusted, Mr. Jay and Lord Grenville proceeded to arrange the future intercourse between the two governments, on principles of justice, humanity, and mutual convenience.

The United States and the Canadas, being separated partly by an imaginary line, and partly by navigable waters, it became important to promote harmony and good neighbourhood on the frontiers, and therefore to afford to each party such mutual accommodations as their local situation required. Hence it was agreed that the inhabitants might freely pass by land or inland navigation into the ter-



ritories of the two parties, and carry on trade with each other ; and that the duties on goods thus introduced should be the same as those paid by the citizens of the country into which they were imported.

As doubts existed respecting parts of the boundary-line fixed by the treaty of peace, provision was made for settling them by surveys to be made by commissioners appointed for the purpose. Lands held by the subjects and citizens of the two parties in the territories of the other, were confirmed to them and their heirs.

A proposition had been lately made in Congress to sequester British debts. Mr. Jay revolted from this attempt to extend the miseries of war, and especially by acts of injustice and perfidy. He therefore inserted in the treaty an article declaring that neither the debts due from individuals of one nation to individuals of the other, nor moneys which they might have in the public funds, or in public or private banks, should ever, in any event of war or national differences, be sequestered or confiscated ; “it being unjust and impolitic that debts and engagements contracted and made by individuals having confidence in each other and in their respective governments, should ever be destroyed or impaired by national authority, on account of national differences or discontent.”

The original draught of the treaty prepared by Mr. Jay, and submitted to Lord Grenville, contained the following article.

“It is agreed, that if it should unfortunately happen that Great Britain and the United States should be at war, there shall be no privateers commissioned by them against each other.” Humanity must deplore that this article did not receive the sanction of the British minister. Had it been adopted, the example set by two such powerful maritime nations would probably have led to the abandonment of this species of warfare,—a warfare prompted only by a thirst

of gain, and which, while it occasions extensive suffering, rarely affects the national objects of the contest.

It will be recollected that by his instructions, the American minister was precluded from forming any treaty of commerce, that did not secure to the United States at least a qualified trade to the British West Indies. This trade had been enjoyed by the late colonies, and it had added much to their wealth and power. Their separation from the mother country of course deprived them of it ; and they seized the first opportunity, on the cessation of hostilities, to attempt its recovery. In 1783 the American commissioners at Paris, in their negotiation with Mr. Hartley, endeavoured, but without success, to induce the British cabinet to open the ports of their West India colonies. The policy of the European powers in monopolizing the trade of their colonies seemed to be immoveably established. Even France in her treaty of 1778 granted no share of her colonial trade to her new and cherished allies ; and from the colonies of Spain all foreign vessels were rigidly excluded. Circumstances indeed, as war or scarcity, led occasionally to a temporary relaxation of this monopoly ; but in general it was regarded as a settled principle of European policy, that each nation was exclusively to enjoy the trade of its own colonies. The task assigned to Mr. Jay, of inducing Great Britain to depart from this exclusive system, to which long habit and common opinion had strongly attached her, was not an easy one. So sensible was the president of the obstacles that would oppose his success, that he instructed him to ask for the privilege of carrying on this trade only in vessels of " certain defined burdens ;" fully sensible that a free, unqualified trade was not to be expected. Mr. Jay did indeed succeed in obtaining a partial relaxation of the colonial monopoly, but it was only on certain conditions and securities. He proposed that American vessels of 100 tons should be admitted into the West India ports ; but the British minister limited the burden to 70 tons, and further

insisted that if this boon were granted, the United States must stipulate that all the cargoes taken by their vessels from the British islands should be landed in the United States; and moreover that no molasses, sugar, coffee, cocoa, or cotton should be shipped from the United States to any other part of the world. Under these restrictions he was willing that the citizens of the United States should carry in their own vessels to the islands, any produce or manufactures of their country which were at present admitted in British bottoms, and might return with any cargoes which British vessels were permitted to carry to the United States.

These were apparently hard conditions, and the American minister was required to decide whether, under all circumstances, it was most advisable to reject or accept them. If he rejected them, he rejected with them the various and important commercial privileges which Britain was ready to concede to the United States, both in Europe and the East Indies; for his instructions, perhaps unwisely, precluded him from agreeing to any treaty of commerce that did not secure the West India trade. To this consideration was added the actual situation of the West India Islands. Martinico, Guadaloupe, St. Lucia, and Tobago had all been recently captured by the British, and were of course, like the other British islands, closed to American commerce. The part of St. Domingo belonging to France, and now its only remaining colony, was in a state of insurrection, and would probably either be held by the insurgents, or captured by the British forces. To none of the Spanish islands were American vessels entitled to trade. St. Eustatia, Curaçoa, St. Bartholomew, St. Thomas, St. John, and St. Croix, were the only remaining islands of importance, with which the United States could expect to maintain a commerce. The question then, which the American negotiator was called upon to determine was, whether the privilege of importing the produce

of these few islands in American bottoms, and of the British islands in British bottoms, and under whatever duties Britain might choose to exact, and re-exporting to Europe what we might not want for our own consumption, was of more value than a free and direct trade, under equal duties, with the rich and numerous islands belonging to Great Britain, affording a market for many of our staples, and furnishing in abundance all the tropical productions we might want; added to the commercial privileges in Europe and Asia offered by the British cabinet. It must also be recollected, that the conditions imposed left the American merchant at full liberty to carry cargoes direct to Europe from any island not belonging to Great Britain. Mr. Jay believed it to be his duty to accept the trade on the condition which it was offered, but thought it most prudent to limit the duration of the article respecting it, to two years after the termination of the existing war. Peace might change the possession of some of the islands, and lead to further relaxations in the colonial policy of Europe; and by this limitation the United States would be in a condition to avail themselves of whatever changes might occur.

It may seem singular, that the American minister should have consented to prohibit the exportation of *cotton*, now one of the most important staples of his country. The explanation is at once curious and satisfactory. In the original draught of the treaty, the United States stipulated to prohibit during the continuance of the article, all "West India productions and manufactures." This expression was, on reflection, deemed too general, and it was thought best to specify the prohibited articles, and hence cotton was inserted as a West Indian production. The cultivation of this article had but recently been introduced into the United States, and the success of the experiment had not yet been fully tested. The cotton used in the United States was almost wholly brought from the West Indies.

Of 404,135 pounds imported in 1792, 373,350 came from the islands. A few months before Mr. Jay's departure, Mr. Jefferson, the secretary of state, in a report to Congress on the commerce of the United States, enumerated the exports of the country, but made no mention whatever of cotton. It was not at that time known as one of the productions of the United States. It appears, indeed, from the custom-house returns, that small quantities of it had been sent abroad, but whether they were of foreign or domestic growth is not known.

A direct trade was granted to the United States to and from the British East Indies, on the payment of the same duties as were charged on British vessels and cargoes. This relinquishment of discriminating duties, was a bold innovation upon the navigation laws of England, and a very essential advantage to the United States. Reciprocal and perfect liberty of commerce between the United States and the British dominions in Europe was secured by the treaty. Contraband articles were specified, and the rigour of the laws of nations relative to provisions was softened, by a stipulation, that in all cases in which, by those laws, they were deemed contraband, instead of being forfeited, they might be taken by the belligerent party, on paying their full value, with the freight, and a reasonable mercantile profit. It was also agreed, that the citizens of one country should not enter into the service of a foreign power, to fight against the other; and that such of them as accepted a foreign commission for arming a vessel as a privateer against either of the parties, might, if taken, be treated as a pirate.

With the exception of the articles already mentioned as having been made permanent, and the article respecting the West India trade, the treaty was to remain in force for twelve years.

Such were the principal features of this celebrated treaty. It was signed on the 19th November; and Lord

Grenville, having occasion the same day to address a note to Mr. Jay, took the opportunity to express the following sentiments, in which there was probably more sincerity than usually marks the courtesies of diplomatic correspondence.

“I cannot conclude this letter without repeating to you the very great satisfaction I have derived from the open and candid manner in which you have conducted on your part the whole of the difficult negotiation, which we have now brought to so successful an issue, and from the disposition which you have uniformly manifested, to promote the objects of justice, conciliation, and lasting friendship between our two countries.”

In his letter to the secretary of state, transmitting the treaty, Mr. Jay observed:—“The long-expected treaty accompanies this letter. The difficulties which retarded its accomplishment frequently had the appearance of being insurmountable. They have at last yielded to modifications of the articles in which they existed, and to that mutual disposition to agreement, which reconciled Lord Grenville and myself to an unusual degree of trouble and application. They who have levelled uneven ground, know how little of the work afterward appears.

“Since the building is finished, it cannot be very important to describe the scaffolding, nor to go into all the details which respected the business. My opinion of the treaty is apparent, from my having signed it. I have no reason to believe or conjecture, that one more favourable to us is attainable.”

On the conclusion of the treaty Mr. Jay informed Mr. Monroe, the American minister in France, of the event; and that it contained a clause expressly declaring, that nothing in it was to operate contrary to the provisions of existing treaties between the United States and other powers; and intimated, that he would before long com-

municate to him in *confidence* its principal heads. This led to the following correspondence.

FROM JAMES MONROE.

“Paris, January 17th, 1795.

“SIR,

“Early in December last, English papers were received here, containing such accounts of your adjustment with the British administration as excited much uneasiness in the councils of this government; and I had it in contemplation to despatch a confidential person to you, for such information of what had been done as would enable me to remove it. At that moment, however, I was favoured with yours of the 25th November, intimating that the contents of the treaty could not be made known until it was ratified, but that I might say it contained nothing derogatory to our existing treaties with other powers. Thus advised, I thought it improper to make the application, because I concluded the arrangement was mutual, and not to be departed from. I proceeded, therefore, to make the best use in my power of the information already given.

“To-day, however, I was favoured with yours of the 28th of the same month, by which I find you consider yourself at liberty to communicate to me the contents of the treaty; and as it is of great importance to our affairs here to remove all doubt upon this point, I have thought fit to resume my original plan of sending a person to you for the necessary information, and have, in consequence, despatched the bearer, Mr. John Purveyance, for that purpose. I have been the more induced to this, from the further consideration that in case I should be favoured with the communication promised in cipher, it would be impossible for me to comprehend it, as Mr. Morris took his off with him.

“Mr. Purveyance is from Maryland, a gentleman of integrity and merit, and to whom you may commit whatever you may think proper to confide, with perfect safety.

'Tis necessary however to observe, *that as nothing will satisfy this government but a copy of the instrument itself*, and which as our ally it thinks itself entitled to, so it will be useless for me to make to it any new communications *short of that*. I mention this that you may know precisely the state of *my engagements here*, and how I deem it my duty to act under them, in relation to *this object*. I beg leave to refer you to Mr. Purveyance for whatever other information you may wish to have, either on this subject, or the affairs more generally of this republic.

"I have the honour to be,

"With great respect, &c. &c. &c.

"JAMES MONROE."

"TO JAMES MONROE.

"London, February 5th, 1795.

"SIR,

"I have received the letter you did me the honour to write on the 17th of last month, by Mr. Purveyance.

"It is much to be regretted that any unauthorized accounts in English newspapers, of my 'adjustment' with the British administration, should 'have excited much uneasiness in the councils of the French government;' and the more so, as it does not imply that confidence in the honour and good faith of the United States which they certainly merit.

"You must be sensible that the United States, as a free and independent nation, have an unquestionable right to make any pacific arrangements with other powers which mutual convenience may dictate, provided those arrangements do not contradict or oppugn their prior engagements with other states.

"Whether this adjustment was consistent with our treaty with France, struck me as being the only question which could demand or receive the consideration of that republic; and I thought it due to the friendship subsisting between the two countries, that the French government should have,



without delay, the most perfect satisfaction on that head. I therefore by three letters of the 24th, 25th, and 28th November, 1794, gave you what I hoped would be very acceptable and satisfactory information on that point. I am happy in this opportunity of giving you an exact and literal *extract* from the treaty. It is in these words, viz.

“‘Nothing in this treaty contained, shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or states.’

“Considering that events favourable to our country could not fail to give you pleasure, I did intend to communicate to you concisely, some of the most interesting particulars of this treaty, *but in the most perfect confidence*. As that instrument has not yet been ratified, nor received the ultimate forms necessary to give it validity; as further questions respecting parts of it may yet arise, and give occasion to further discussions and negotiations, so that, if finally concluded at all, it may then be different from what it now is, the impropriety of making it public at present is palpable and obvious; such a proceeding would be inconvenient and unprecedented. It does not belong to ministers who negotiate treaties to publish them even when perfected, much less treaties not yet completed, and remaining open to alteration or rejection. Such acts belong exclusively to the governments who form them.

“I cannot but flatter myself that the French government is too enlightened and reasonable to expect that any consideration ought to induce me to overleap the bounds of my authority, or to be negligent of the respect which is due to the United States. That respect, and my obligations to observe it, will not permit me to give, without the permission of their government, a copy of the instrument in question to any person, or for *any purpose*; and by no means for the purpose of being submitted to the consideration and judgment of the councils of a *foreign nation*, however friendly.

"I will, sir, take the earliest opportunity of transmitting a copy of your letter to me, and of this in answer to it, to the secretary of state, and will immediately and punctually execute such orders and instructions as I may receive on the subject. I have the honour to be,

"With great respect, sir,

"Your most obedient

"And humble servant,

"JOHN JAY."

The subjoined letter, written before the conclusion of the treaty, shows that the opposition it afterward encountered, was plainly foreseen by the writer.

"TO GEORGE WASHINGTON.

"[Private.]

"London, 13th Sept., 1794.

"DEAR SIR,

"My letter to Mr. Randolph, which accompanies this, contains very full and accurate information respecting our negotiation here. You will perceive that many points are *under consideration*, and that alterations will probably yet take place in several articles. Although it is uncertain, yet it is not altogether improbable, that Lord Grenville and myself may agree on terms which, in my opinion, should not be rejected. In that case, I shall be strongly induced to conclude, rather than by delays risk a change of views, and measures, and ministers, which unforeseen circumstances might occasion.

"The secretary's letter, by Mr. Monroe, and the speech of the latter to the Convention, are printed, and have caused a disagreeable sensation on the public mind here, and probably on that of the government. The one written by you is spoken of as being within the limits of diplomatic forms.

"Gentlemen, whether in or out of office, are doubtless

free in their affections or predilections for persons or nations ; but as the situation of the United States is neutral, so also should be their language to the belligerent powers. Neither can it be proper to adopt any mode of pleasing one party that would naturally be offensive to the other ; and more particularly at a time when with that other a negotiation for peace, commerce, and friendship is pending.

“ To be fair, upright, and prudent, is to be politic ; and of the truth of this maxim, your character, and very singular degree of respectability, weight, and reputation, afford the strongest proof.

“ I learn that Virginia is escheating British property, and I hear of other occurrences which I regret ; but they shall not abate my perseverance in endeavouring to prosecute peace, and bring the negotiation to such a conclusion as will either ensure peace with this country, or produce union among ourselves in prosecuting war against it. Whatever may be the issue, I am determined not to lose the only satisfaction that I can be sure of, viz., the satisfaction resulting from a consciousness of having done my duty.

“ *That attempts will be made in America to frustrate this negotiation, I have not the most distant shadow of a doubt. I brought this belief and opinion with me ;* and my dependence then was, and still is, on the wisdom, firmness, and integrity of the government ; on the general good sense of our people ; and on those enlightened and virtuous characters among them who regard the peace, honour, and welfare of their country as *primary* objects. These men regret the differences which subsist between this country and their own, and sincerely desire to see mutual animosities give way to mutual good-will. As to a political connexion with any country, I hope it will never be judged necessary, for I very much doubt whether it would ultimately be found useful ; it would, in my opinion, introduce foreign influence, which I consider as the worst of political plagues.

“With the best wishes for your health and happiness,  
and with perfect respect, esteem, and attachment,

“I am, dear sir,

“Your most obedient and obliged servant,

“JOHN JAY.”

A few days after the treaty had been signed, the following private letter was written to Lord Grenville, in answer to a confidential one from his lordship.

“TO LORD GRENVILLE.

“Royal Hotel, Pallmall, 22d Nov., 1794.”

“MY LORD,

“I have had the pleasure of receiving the letter which your lordship did me the honour to write yesterday, enclosing a copy of one that you had written to Mr. Hammond.\* Marks of confidence from those who merit it are grateful to the human mind; they give occasion to inferences which by soothing self-love produce agreeable emotions.

“Being aware that our mutual efforts to restore good-humour and good-will between our two countries should be continued beyond the date of the treaty, I am happy that our sentiments in this respect coincide.

“The letters I have written to America with the two copies of the treaty, which are already despatched, leave me little to add on the subject of your lordship’s letter; they are indeed concise, for I had not time to amplify; they will be followed by others less general and more pointed. There are men among us to whom these ideas will be familiar, and who will not omit to disseminate them. Their opinions and example will have influence, but it will be progressive, not sudden and general.

“The storm, I hope and believe, will soon cease; but the agitation of the waters will naturally take some time to

\* The British minister in the United States.

subside ; no man can with effect say to them, 'Peace, be still.' By casting *oil* upon them, they will doubtless be the sooner calmed. Let us do so.

"I have a good opinion of Mr. Hammond ; nay, more, I really wish him well : the asperities, however, which have taken place, lead me to apprehend that official darts have frequently pierced through the official characters and wounded the men. Hence I cannot forbear wishing that Mr. Hammond had a better place, and that a person well adapted to the existing state of things was sent to succeed him.

"My lord, I make this remark on the most mature reflection, and found it on those active principles in human nature which, however they may be repressed, cannot easily be rendered dormant, except in cases of greater magnanimity than prudence will usually allow us to calculate upon.

"It is not without reluctance that I give this remark a place in this letter. I class Mr. Hammond among those who I think are friendly to me. I have experienced his attentions and hospitality : not an unkind idea respecting him passes in my mind. Public and common good is my object and my motive.

"That official letters and documents have been prematurely and improperly published in America is evident. I have not been sparing of animadversions on this head, and flatter myself that more circumspection will in future be used.

"The consuls and other public officers and agents in the two countries will have it much in their power (especially in America, from the nature of the government and state of society) to promote or to check the progress of conciliation and cordiality.

"I have but imperfect knowledge of those now in the United States, except Sir John Temple, whose conduct and conversation appeared to be conciliatory. I have been informed very explicitly that Mr. \*\*\*\*\*, the consul

in Virginia, is not esteemed, and that his private character is far from being estimable. I mention this as meriting inquiry.

“There being no French merchant ships in the American seas, the privateers must either prey on neutral vessels or return without spoil. Hence they become exposed to temptations not easy for them to resist.

“The privateers of two hostile nations have no desire to seek and to fight each other. Between mere birds of prey there are few conflicts. If they were recalled, their crews might be usefully employed in ships of war or of commerce. Pardon the liberty of these hints, they occurred to me, and I let my pen run on—perhaps too far.

“Permit me to assure you, my lord, that my endeavours to cultivate amity and good-will between our countries and people shall continue unremitted; and that they will not cease to be animated by your lordship’s co-operation. To use an Indian figure, may the hatchet be henceforth buried for ever, and with it all the animosities which sharpened, and which threatened to redden it. With the best wishes for your happiness, and with real esteem and regard,

“I am, my lord,

“Your lordship’s most obedient servant,

“JOHN JAY.”

Mr. Jay’s old friend and fellow-student, Lindley Murray, was at this time residing at York. The engagements of the one, and the ill-health of the other, prevented them from meeting, but their mutual esteem led to a correspondence, from which the following are extracts.

“TO JOHN JAY.

“York, 15th of 7th mo., 1794.

“When I first heard of the commission of my much esteemed friend, John Jay, as envoy extraordinary to the British court, I rejoiced in the prospect which his known

abilities, integrity, and benevolence afforded, of a speedy and happy dispersion of those clouds of hostility which have been for some time gathering, and which seemed of late ready to involve the two countries in confusion and distress. I hope I shall be excused when I say, that I do not know any other person in America whose appointment to this high office would have given me so much satisfaction, and promised so successful an issue; and I believe that these sentiments are not merely the effusions of an early admiration of his talents but virtues, but of the most sincere and respectful attachment.

“It is the earnest wish of my heart, that thy labours may be happily crowned, and that by them the inestimable blessings of peace and brotherly intercourse may be preserved and established on a permanent foundation.

“I trust, too, that the consciousness of this benevolent and Christian work will, amid many other charities of life, frequently rise in grateful and self-approving remembrance, and, if a day of affliction should come, will furnish a cordial of the most sovereign virtue, the recollection of having been the means of preventing the destruction of thousands, and of promoting the harmony and happiness of millions of thy fellow-creatures.

“I have but one wish more to express on this subject, which is, that when thou hast been happily instrumental in removing every cause of uneasiness and discord between Great Britain and America, thou mayst find thyself authorized to tender the mediation of America to the present belligerent powers, for stopping the effusion of human blood, and terminating the calamities of a most ferocious and desolating war. To be an instrument in accomplishing a deed so extensively beneficent must, if virtue so exalted needed any accession of happiness, be contemplated and applauded by the wise and good to the latest period of time.

“But, whatever may be the issue of thy present negotiation, or however disproportionate may be thy commission

to the extent of thy benevolence, thou wilt always have the esteem and regard of one who, though indeed his esteem and regard are of very little consequence, could not withhold this testimony of his respectful remembrance, and who takes the liberty of subscribing himself

“Thy affectionately attached friend,

“LINDLEY MURRAY.

“P. S. Had it been in my power to travel as far as London, I should have gone with pleasure, on this occasion, to pay my respects to thee in person; but I am in a very feeble state, and unable to go from home more than a few miles each day, for the benefit of exercise; so that I cannot procure myself that satisfaction. I have also for some time been deprived of the usual exertion of my voice, and can converse scarcely above a whisper; but, notwithstanding this, it would be a peculiar gratification, if the course of thy travels should include York, to have the favour of seeing thee and enjoying thy company at my house during thy stay in this city. Some years since, I took the liberty of requesting thy acceptance of a small compilation which I had then published, and which I suppose thou received. I have lately revised and enlarged that collection, and, though I think it scarcely worth *thy* attention, yet, as thou hast seen the first edition, I hope it will not be deemed an intrusion to beg thy acceptance of a copy of this last impression.”

“TO LINDLEY MURRAY.

“Royal Hotel, Pallmall, 22d August, 1794.

“DEAR SIR,

“I thank you very sincerely for the kind letter you was so obliging as to write me on the 15th of this month. The sentiments of esteem and regard which are expressed in it afford additional inducements to my endeavours to deserve them.



“To see things as being what they are, to estimate them aright, and to act accordingly are of all attainments the most important. Circumstanced as we are, it is exceedingly difficult to acquire either of these, and especially the last, in any eminent degree ; but in proportion to our progress, so will be our wisdom and our prospect of happiness.

“I perceive that we concur in thinking that we must go home to be happy, and that our home is not in this world. Here we have nothing to do but our duty, and by it to regulate our business and our pleasures ; for there are innocent as well as vicious pleasures, and travellers through the world (as we all are) may, without scruple, gratefully enjoy the good roads, pleasant scenes, and agreeable accommodations with which Providence may be pleased to render our journey more cheerful and comfortable ; but in search of these we are not to deviate from the main road, nor, when they occur, should we permit them to detain or retard us. The theory of prudence is sublime and in many respects simple. The practice is difficult ; and it necessarily must be so, or this would cease to be a state of probation.

“The sentiments diffused through your book are just, striking, and useful ; but, my good friend, our opinions are oftener right than our conduct. Among the strange things of this world, nothing seems more strange than that men pursuing happiness should knowingly quit the right and take a wrong road, and frequently do what their judgments neither approve nor prefer. Yet so is the fact ; and this fact points strongly to the necessity of our being healed, or restored, or regenerated by a power more energetic than any of those which properly belong to the human mind.

“We perceive that a great breach has been made in the moral and physical systems by the introduction of moral and physical evil ; how or why, we know not ; so, however, it is, and it certainly seems proper that this breach should be closed and order restored. For this purpose only one adequate plan has ever appeared in the world, and that is

the Christian dispensation. In this plan I have full faith. Man, in his present state, appears to be a degraded creature ; his best gold is mixed with dross, and his best motives are very far from being pure and free from earth and impurity.

“I mention these things that you may see the state of my mind relative to these interesting subjects, and to relieve yours from doubts which your friendship for me might render disagreeable.

“I regret your want of health and the bodily afflictions with which you are visited. God only knows what is best. Many will have reason to rejoice, in the end, for the days wherein they have seen adversity. Your mind is in full strength and vigour, and that is an inestimable blessing.

“It really would give me great pleasure to visit you before I return ; but I dare not promise myself that satisfaction, being so much and so constantly under the direction of circumstances which I cannot control.

“As to the wars now waging, they appear to me to be of a different description from ordinary ones. They are, in my opinion, as unlike common wars as the great plague in London was unlike common sicknesses. I think we are just entering on the age of revolutions, and that the impurities of our moral *atmosphere* (if I may use the expression) are about to be purified by a succession of political storms. I sincerely wish for general peace and good-will among men, but I shall be mistaken if (short intervals excepted) the season for those blessings is not at some distance. If any country escapes, I am inclined to think it will be our own ; and I am led to this opinion by general principles and reasonings, and not by particular facts or occurrences, some of which so strongly favour a contrary idea as to produce in my mind much doubt and apprehension.

“I am, dear sir,

“Your affectionate friend,

“JOHN JAY.”

The delicate state of Mr. Jay's health induced him to avoid the exposure of a winter's voyage, and to postpone his return till the ensuing spring. His character, manners, and the successful issue of his negotiation procured for him very general attention, and the returning good-will of Britain towards the United States seemed to manifest itself in civilities to their representative.

Lord Grenville, on the conclusion of the treaty, in conformity with the practice of his court, gave orders for a snuff-box with the king's miniature set in diamonds, as a present to the American negotiator.

“TO JOHN JAY.

“London, 10th April, 1795,

“MY DEAR SIR,

“In answer to the question you have proposed to me, concerning the propriety of the diplomatic agents of the United States receiving from the court to which they have been sent the present which it is customary to offer them at the conclusion of their mission; I have to inform you that before I left America I had a conversation with Mr. Jefferson, then secretary of state, on this subject, and that it was his opinion that the present might with propriety be received. The reasons in support of this opinion are principally these,—that the acceptance of the present can have no influence on the conduct of the minister (which it is to be presumed the article of the constitution means to guard against), because it is given indiscriminately to all foreign ministers; that it is of equal value to all of the same rank, whether their conduct has been pleasing or otherwise to the court to which they have been delegated; that it is only given at the conclusion of their mission; that it may be placed on the same footing with the privileges, received by all foreign ministers, of exemption from the payment of duties on the importation of certain articles for their use; that it may be considered in the nature of a retribution for

the Christmas-boxes, and other customary perquisites which it is usual for foreign ministers to give to the inferior attendants of the sovereign at whose court they reside ; that the refusal might be considered as an offensive peculiarity in the ministers of the United States ; that it has hitherto been received by our ministers at foreign courts, notwithstanding the article in the old confederation, similar to that in our present constitution ; and lastly, that it is an established custom with our government to make similar presents to the ministers of foreign powers delegated to them.

“ Here are more reasons, my dear sir, than an object of so little importance seems to merit : you will, however, shortly have an opportunity of knowing the present sentiments of our government on the subject, which you will oblige me by communicating for the direction of my conduct.

“ Believe me to be, with the sincerest esteem and true respect,

“ My dear sir,

“ Your faithful and obedient servant,

“ THOS. PINCKNEY.”

Notwithstanding these arguments, Mr. Jay resolved to be governed by the letter of the constitution, and declined the proffered present.

Various considerations at this period united in prompting many discontented politicians and adventurous spirits in Great Britain, to abandon the country of their birth, and to seek a home in the United States. It was natural that such persons should ask from the American minister advice and information relative to their proposed removal, and accordingly numerous applications were made to him by persons in England, and by some in Ireland. The following letter will suffice to show the course he pursued on these occasions.

“ TO MR. CRAWLEY.

“ Royal Hotel, Pallmall, 28th Oct., 1794.

“ SIR,

“ I was this morning favoured with yours of the 13th of this month, requesting information and advice relative to the United States.

“ It is natural, that as you purpose to remove to America, you should be anxious to obtain advice and information on which you could depend ; and I would with pleasure comply with your request, if I was not restrained by the duties incident to my situation here.

“ A public minister, received and protected by the government to which he is sent, and enjoying the particular privileges annexed to his function, ought to abstain from intermeddling in the affairs of the country, and from promoting any measures disagreeable to the government.

“ There is reason to suppose that emigrations to America are among the number of these measures, and therefore it would not be proper for me to have any agency in facilitating them : for these reasons I make it a general rule not to encourage nor discourage emigrations, but to be entirely passive.

“ I flatter myself you will perceive the prudence and propriety of this conduct, and be persuaded that I would otherwise do you the friendly service you request, cheerfully and without hesitation.

“ Your humble servant,

“ JOHN JAY.”

Mr. Jay's good offices were frequently solicited by the friends of English prisoners of war in France, either to forward letters to them, or to procure their liberation ; and in several instances he had the gratification of rendering his official station subservient to the cause of humanity.

“TO JAMES MONROE, PARIS.

“London, 28th August, 1794.

“SIR,

“In July, 1792, Miss Bainstow, a young lady, now of seventeen, and whose family reside near this city, was placed at Bologne, under the care and in the house of Madame Delseaux, a respectable widow lady there, for the benefit of education.

“In September last she was, together with her friend and fellow-pensioner Miss Hornblow, arrested and confined in a convent.

“In the January following they were removed back to Madame Delseaux’s house, where they still remain confined in the manner prescribed by the decree.

“Miss Bainstow’s friends are exceedingly solicitous to interest your kind offices in favour of these young ladies. They entreat me to lay these facts before you, and convey their most earnest requests that you will be so good as to endeavour to obtain permission for them to return home.

“When I consider what my feelings would be, had I a daughter of that age so circumstanced, I find it impossible to resist this application. I know by experience that business not connected with the objects of one’s mission can seldom be pleasant. The business of humanity, however, seems to be attached to opportunities of doing it. I will not enlarge on this subject; every remark incident to it will occur to you. For my part I am not apprized of any objection to permitting these foreign children to go home to their parents; and should such a general permission be effected by your means, the remembrance of it would be sweet to you for ever.

“I remain, sir,

“Your most obedient and humble servant,

“JOHN JAY.”

The following correspondence derives additional interest from the circumstance that the gentleman and lady who are the subjects of it were the brother and sister of the Duke of Wellington.\*

“Royal Hotel, Pallmall, 22d September, 1794.

“Mr. Jay presents his compliments to Lord Mornington, and has the honour of informing him that an American gentleman, in whom Mr. Jay has confidence, purposes to go, in the course of this week, to Paris. Should his lordship wish to honour this gentleman with any commands, Mr. Jay (being persuaded they would be cheerfully received and properly executed) will, with great pleasure, take the necessary measures.”

“TO JOHN JAY.

“Brighthelmston, September 25th, 1794.

“SIR,

“I return you many thanks for the honour of your note, which I received last night upon my arrival at this place, and I request you to be assured that I shall always retain a grateful sense of your humane attention to the application, which I took the liberty of making to you in favour of my brother and sister.

“In a matter of such extreme delicacy, and which is so much involved in difficulties on all sides, I had determined, after our conversation at Dropmore, to wait the event of your application for the release of the young person detained at Boulogne, and to be guided by that event with respect to the form of any memorial to the French government with which I might hereafter trouble you, according to your kind permission. But the circumstance which you mention in your note seems to offer so evident an advantage, and of a nature so little likely to recur within any short

\* Sir Henry Wellesley and Lady Fitzroy, who, while on their passage from Lisbon to England, were taken by a French frigate and carried to France, where they were detained as prisoners of war.

time, that I have determined not to lose it by giving way to any further doubt or hesitation. I am convinced that any gentleman in whom you have confidence must possess all those qualities of discretion and discernment which are necessary for the conduct of such an affair. I have therefore written a narrative of the misfortunes of my sister and of my brother, with no other observations than such as appeared to me to be necessary to explain the peculiar hardship of their case. I have translated this narrative into French; and you will very much add to the kindness which I have already received from you, if you will have the goodness to read over these papers, and if you find any thing imprudent or superfluous, to strike it out. I would then request you to deliver these papers to the gentleman who is going to Paris, and to induce him to exercise his judgment as well on their contents as on the use to be made of them. If he thinks it useful to present the French paper to the government at Paris, or if he should be of opinion that my object would be better attained by communicating the facts relating to my brother and sister in any other mode, I should wish him to act entirely according to his view of circumstances upon the spot. If it should unfortunately happen to be his opinion, that any application in favour of the prisoners would only tend to draw them into more particular notice, and to expose them to more rigorous treatment, my wish then would be that he should not even mention their names; and painful as this termination of my endeavours to obtain their liberty must be to my mind, the opinion of a gentleman of such a character as you describe will satisfy me that the best decision has been taken which circumstances would admit.

“ With respect to the conditions which might be annexed to their liberty, I imagine they can be only of two kinds,—either an exchange of French prisoners in the place of my brother and sister and their servants, or a pecuniary consideration in the way of ransom. The first would not be a matter of much difficulty, although it cannot be done under



the authority of government ; but I think it might easily be accomplished through the agents for prisoners at Jersey or Guernsey, and at St. Malo. With regard to a ransom, I am ready to pay it if it should not be scandalously exorbitant ; although I cannot but say that I think such a transaction would be highly disgraceful to the French government.

“If there should appear a disposition to release my brother and sister, I should hope they might be allowed to freight a neutral ship at Brest for some English port : this would be the safest as well as the most expeditious mode of returning home. But if this should be refused, they might still be permitted to return through Switzerland.

“I trust you will have the goodness to pardon the length of this detail ; I thought it necessary for the information of the gentleman who has the kindness to charge himself with this commission ; and I am persuaded the same sentiment of humanity which induced you to give your favourable attention to my first application, will plead my excuse for the tediousness of this letter.

“I shall naturally be very anxious to learn the result of this affair, in which I am so deeply interested ; and I hope you will allow me to have the honour of paying my respects to you in London from time to time for that purpose.

“Believe me, sir, with the most sincere respect and esteem,

“Your much obliged and obedient servant,

“MORNINGTON.”

“P. S. I have taken the liberty of enclosing with the narrative a letter to my brother, which I request your friend to put in the post either at Paris or anywhere in France. It contains nothing but common family intelligence, and some expressions of surprise at the long detention of the two prisoners. If your friend could only find

means of obtaining conveyance for a letter from my brother to me, it would be a great object, as I have not heard from him since the 10th of July. I have carefully abstained from giving the least hint in my letter of the kindness of your friend."

"No. 3, Cavendish-square, }  
Thursday, Oct. 2d, 1794. }

"Lady Mornington presents her respectful compliments to Mr. Jay, and takes the liberty of enclosing a few lines for her daughter, to inform her that her children and friends are well. Lady Mornington begs leave to assure Mr. Jay, that she is most gratefully sensible of his humane attention to Lord Mornington's application respecting his brother and sister, and she cannot resist giving way to a hope, that Mr. Jay's doing her unfortunate children the honour to interest himself about them may be successful."

"Mr. Jay presents his respectful compliments to Lady Mornington. Immediately on receiving the note with which her ladyship honoured him to day, he sent the letter that was enclosed in it, to the gentleman who is expected to carry it to France.

"The measure of arresting and confining all the English, without discrimination, who were found in France, indicates a policy and a disposition unfavourable to Lady Fitzroy's liberation. Whether the existing administration will, if so inclined, find it safe and prudent to relax in these respects is doubtful; especially considering the influence which popular opinions, jealousies, and resentments frequently have on popular chiefs and leaders.

"Mr. Jay forbears, therefore, to flatter either Lady Mornington or himself with expectations which, however pleasing, are too precarious to be greatly indulged.

"Royal Hotel, Pallmall,  
"2d Oct., 1794."

## CHAPTER X.

1795-6.

Mr. Jay elected Governor in his Absence—Arrives in New-York—Resigns Office of Chief Justice—Opposition to the British Treaty—Proceedings in the House of Representatives—Comparison between the British Treaty and others subsequently formed.

THE means used by the democratic party in 1792 to exclude Mr. Jay from the office of governor, to which he had been elected by the people, produced a powerful reaction throughout the State, and the party was left in a minority by the elections of the two succeeding years. The term for which the canvassers had declared Mr. Clinton to be governor was now nearly expired, and the approaching contest brought into vivid recollection the extraordinary termination of the last. Mr. Clinton thought proper to retire from the arena, and his partisans adopted Mr. Yates, the chief justice of the State, as their candidate for the office.

Mr. Jay was in England—the period of his return was uncertain—he had not been consulted as to a second nomination—and it was now too late to ask his consent. Under these circumstances, prudence would perhaps have dictated to the federal party the expediency of selecting another candidate, had not the public voice loudly demanded that the injustice he had formerly suffered should now be repaired. Public meetings in various parts of the State almost simultaneously nominated him as the next governor. In this country, the nomination of a candidate for an elective office too generally makes him a mark for the shafts

of calumny. In the present instance, it was found difficult to distort the truth into any form that could injure the reputation of the candidate, and his assailants were compelled to resort to bold and unqualified falsehood—always an awkward and insecure weapon, and in this case perfectly harmless. Mr. Jay was accused in the public prints of hostility to a representative government, and of enjoying the confidence of the British ministry to such a degree as to have been employed by them to write the last speech from the throne! On the 26th May, the ballots were canvassed, and Mr. Jay was declared to have been elected governor by a great majority. Two days afterward, he landed at New-York, in the presence of a large concourse of the citizens, assembled to welcome their new governor, and to hail the envoy whose successful mission promised peace to his country. The crowd attended him to his dwelling, and the ringing of bells and firing of cannon evinced the joy his arrival had inspired.

Mr. Jay's consent to his first nomination was founded on his disapprobation of the policy pursued by Governor Clinton, and his conviction that the public good required a change in the administration of the government. As that gentleman had now retired, it is doubtful whether Mr. Jay would have felt himself bound to accept the honour conferred upon him, had circumstances left him at liberty to decline it. It is true he had been elected without his consent or knowledge; but the fact that he had once permitted himself to be nominated, the mode in which his former election had been defeated, the renewed expression of the confidence of the people, and the embarrassments which would result from a vacancy in the executive department, all combined to indicate the course proper for him to pursue. He accordingly resigned his seat on the bench of the supreme court, and on the 1st of July took the oath of office as Governor of the State of New-York. Before we

follow him in this new career we will notice the opposition his treaty encountered in America, and its final triumph.

We have already adverted to the hostility towards England prevailing in the United States at the time of Mr. Jay's departure. As this hostility was founded on other grounds than the conduct of that country, so it was not to be propitiated by any concessions or reparations she might be induced to make. A just and honourable treaty, as it would of course remove all pretexts for a war with Great Britain, was both feared and deplored by a numerous and powerful party. Hence great pains were early taken to secure the rejection of the treaty, whatever it might be. It was understood in the United States, in the month of February, that a treaty had been signed, but the instrument itself did not reach the president till the 5th of March, nor were its contents publicly known till the 2d of July. It was certainly an awkward task to oppose a treaty without knowing a word it contained; but it was a task that was cheerfully and zealously performed; and the whole period of suspense was occupied in laying a train which should explode and destroy the treaty, with its author, the moment it was presented to the public.

A few specimens of the logic employed by the democratic journals and pamphleteers against the unknown treaty will help to exhibit the temper of the times.

“Americans, awake! Remember what you suffered during a seven years' war with the satellites of George the Third (and I hope the last). Recollect the services rendered by your allies, now contending for liberty. Blush, to think that America should degrade herself so much as to enter into *any kind of treaty* with a power now tottering on the brink of ruin, whose principles are directly contrary to the spirit of republicanism.”

“The United States are a republic. Is it advantageous to a republic to have a connexion with a monarch? Trea-

ties lead to war, and war is the bane of a republican government. If the influence of a treaty is added to the influence which Great Britain has already in our government, we shall be colonized anew."

"Commercial treaties are an artificial means to obtain a natural end—they are the swathing-bands of commerce that impede the free operations of nature. Treaties are like partnerships; they establish intimacies which sometimes end in profligacy, and sometimes in ruin and bankruptcy, distrust, strife, and quarrel."

"*No treaty* ought to have been made with Great Britain, for she is famed for perfidy and double-dealing; her polar star is interest; artifice with her is a substitute for nature. To make a treaty with Great Britain is forming a connexion with a monarch; and the introduction of the fashions, forms, and precedents of monarchical governments has ever accelerated the destruction of republics."

"If foreign connexions are to be formed, they ought to be made with nations whose influence would not poison the fountain of liberty, and circulate the deleterious streams to the destruction of the rich harvest of our revolution. FRANCE is our natural ally; she has a government congenial with our own. There can be no hazard of introducing from her principles and practices repugnant to freedom. That gallant nation, whose proffers we have neglected, is the sheet-anchor that sustains our hopes; and should her glorious exertions be incompetent to the great object she has in view, we have little to flatter ourselves with from the faith, honour, or justice of Great Britain. The nation on whom *our political existence depends* we have treated with indifference, bordering on contempt. Citizens, your only security depends on FRANCE, and by the conduct of your government that security has become precarious."

"To enter into a treaty with Great Britain at the moment when we have evaded a treaty with France; to treat with an

enemy against whom France feels an implacable hatred, an enemy who has neglected no means to desolate that country and crimson it with blood, is certainly insult. Citizens of America, sovereigns of a free country, your hostility to the French republic has been spoken of in the National Convention, and a motion for an inquiry into it, has been only suspended from prudential motives—the book of account may soon be opened against you. What then, alas, will be your prospects! To have your friendship questioned by that nation is indeed alarming!”

The democratic societies were likewise active in exciting opposition to the treaty, and in preparing the public mind for war with England, and an alliance with France. A society in Virginia thus announced its wishes: “Shall we Americans, who have kindled the spark of liberty, stand aloof and see it extinguished when burning a bright flame in France, which hath caught it from us? If all tyrants unite against free people, should not all free people unite against tyrants? Yes, let us unite with France, and stand or fall together.”

The Massachusetts society addressed all the democratic societies in the Union, declaring its opinion that the political interests of France and the United States were “one and indivisible.”

The Pennsylvania society exhorted that of New-York to be ready to oppose the treaty if its contents, when known, should be found dishonourable to the country—a proviso that might have been spared, after it had been settled that the very act of treating with Great Britain was, of itself, dishonourable.

The Senate assembled on the 8th of June, and the treaty was submitted to them. On the 24th they advised the president to ratify it, with the exception of the 12th article, relating to the West India trade.

As yet the contents of the treaty, as propriety required before its ratification, had been kept secret; but on the 29th

of June a senator from Virginia, regardless both of the rules of the Senate and of official decorum, sent a copy of it to a democratic printer in Philadelphia, who published it on the 2d of July. This act was applying the torch to that vast mass of combustibles which the party had long been engaged in collecting, and the intended explosion instantly followed. On the 4th a great mob assembled and paraded the streets with an effigy of Mr. Jay bearing a pair of scales, one labelled "American Liberty and Independence," and the other, which was in extreme depression, "British Gold;" while from the mouth of the figure proceeded the words, "Come up to my price, and I will sell you my Country." The effigy was afterward publicly committed to the flames. No time was lost in getting up meetings throughout the country to denounce the treaty, and in many instances, inflammatory resolutions, previously prepared, were adopted by acclamation, without examination or discussion. It was easy to discover defects in a treaty which had been condemned before it was known.

Frequently the meetings were tumultuous, and were obviously assembled for other purposes than the avowed one of *deliberating* on the treaty. Such was the case particularly with one held in the city of New-York. It was convened in the open air, and numerous attended. Alexander Hamilton, the late secretary of the treasury, attempted to address the meeting in vindication of the treaty, but the orator was answered with stones. The mob, after adopting the resolutions prepared by their leaders, marched with the American and French colours flying, to a place opposite the government-house, the residence of Governor Jay, and there burned the treaty.

A similar meeting was held at Philadelphia, and after passing their resolutions, the people repaired to the houses of the British minister, the British consul, and Mr. Bingham, a senator, and at each place burned a copy of the treaty.



In the mean time the democratic journals abounded in the most virulent and indecent invectives against the treaty.\*

The object of all this violence was to intimidate the president from ratifying the treaty in pursuance of the advice of the Senate. Washington's habitual caution led him to pause, and carefully to weigh the arguments on each side. This apparent hesitation flattered the enemies of the treaty with hopes that they would ultimately bend him to their will, and stimulated them to perseverance. Two circumstances at this time tended to excite the peculiar hostility of the democratic party against Mr. Jay. His successive triumphs over the party in New-York had imbittered their feelings towards him, and his recent elevation to the chief magistracy had disappointed their hope of enlisting that important state in the crusade they were waging against the federal government. It was also feared that he would, before long, be selected for a still more important station, and it was thought expedient to diminish the chances of his success by impeaching his conduct and character. An orator, high in the confidence of the party,† declaiming against the treaty, remarked, that if Mr. Jay "had not made this public exposure of his conduct and principles, he might one day have been brought forward among others as a candidate for our highest office; but the

\* The following from a Virginia paper will serve as a sample.

"NOTICE is hereby given, that in case the treaty entered into by that d—n'd arch-traitor J—n Jay with the British tyrant, should be ratified, a petition will be presented to the next General Assembly of Virginia at their next session, praying that the said State may recede from the Union, and be under the government of one hundred thousand free and independent Virginians.

"P. S. As it is the wish of the people of the said State to enter into a treaty of amity, commerce, and navigation with any other State or States of the present Union who are averse to returning again under the galling yoke of Great Britain, the printers of the (at present) United States are requested to publish the above notification. Richmond, July 31, 1795."

† Charles Pinckney, late governor of South Carolina.

general and deserved contempt which his negotiations have brought both his talents and principles into, would for ever, he trusted, secure his fellow-citizens from the dangerous and unwise use which such a man would have made of the powers vested in a **PRESIDENT**."

The feelings entertained towards him may be inferred from the following resolution, passed and published by a democratic society in South Carolina.

"*Resolved*, That we pledge ourselves to our brethren of the republican societies throughout the Union, as far as the ability and individual influence of a numerous society can be made to extend, that we will promote every constitutional mode to bring **JOHN JAY** to trial and to justice. He shall not escape, if guilty, that punishment which will at once wipe off the temporary stain laid upon us, and be a warning to **TRAITORS** hereafter how they sport with the interests and feelings of their fellow-citizens. He was instructed, or he was not: if he was, we will drop the curtain; if not, and he acted of and from himself, we shall lament the want of a **GUILLOTINE**."

The ostensible objections made to the treaty were almost innumerable. It was declared to violate the existing treaty with France; to be ruinous to the commerce, and disgraceful to the character of the country. The article prohibiting the sequestration of debts in case of war was peculiarly odious, as it conveyed a censure on those who had advocated such a measure in Congress; and it was now contended that under the protection of that article, the King of England might buy up the stock of the United States bank, and thus in case of war, control the fiscal concerns of the nation. It was likewise insisted, that the treaty was inconsistent with the constitution, inasmuch as it regulated commerce, and provided for the payment of money, which were powers that could constitutionally be exercised only by Congress. In short, every artifice and misrepresentation were employed to make the people believe that the treaty was a

traitorous sacrifice of their rights and interests. The democratic societies were indefatigable in promoting this delusion. The Pendleton society in South Carolina declared their "abhorrence and detestation of a treaty which gives the English government more power over us as States than it claimed over us as colonies—a treaty, involving in it pusillanimity, stupidity, ingratitude, and treachery."

The senators who had advised the ratification, were denounced as "unworthy of any further public trust of republicans;" it was declared to be dangerous to the liberties of America, that senators should hold their places for the term of six years; and a change of the constitution in this particular was demanded, as essential to the permanency of our republican institutions.

Intimations were also given, that should the treaty be ratified, it would not be submitted to by the people. The signing of the treaty by the president would, it was said, "be the crisis for determining whether the term *majesty of the people* was like the children's rattle, used merely to keep them from murmuring and complaining, or whether in this land of liberty it has an absolute and real existence, calculated for much more important purposes."

The delay of the president in ratifying the treaty arose, not from the clamour against it, but from a late English order in council, which he was inclined to believe contravened some of its provisions. While deliberating on the course he should pursue, he received a remonstrance against the treaty from Boston. His reply dissipated the hopes of those who, mistaking his character, thought it possible to coerce him into a compliance with their wishes. The calm dignity, the moral independence, and the conscious rectitude displayed in this letter are in perfect keeping with that beautiful consistency and simplicity of purpose, which will ever endear the name of Washington to the wise and good.

"TO THE SELECTMEN OF THE TOWN OF BOSTON.

"United States, 28th July, 1795. '

"GENTLEMEN,

"In every act of my administration I have sought the happiness of my fellow-citizens. My system for the attainment of this object has uniformly been, to overlook all personal, local, and partial considerations; to contemplate the United States as one great whole; to confide that sudden impressions, when erroneous, would yield to candid reflection; and to consult only the substantial and permanent interests of our country. Nor have I departed from this line of conduct on the occasion which has produced the resolutions contained in your letter of the 13th instant.

"Without a predilection for my own judgment, I have weighed with attention every argument which has at any time been brought into view; but the constitution is the guide which I never can abandon. It has assigned to the president the power of making treaties, with the advice and consent of the senate. It was doubtless supposed that these two branches of government would combine without passion, and with the best means of information, those facts and principles upon which the success of our foreign relations will always depend; that they ought not to substitute for their own conviction the opinions of others, or to seek truth through any channel but that of a temperate and well-informed investigation.

"Under this persuasion, I have resolved on the manner of executing the duty before me. To the high responsibility attached to it I freely submit; and you, gentlemen, are at liberty to make these sentiments known, as the grounds of my procedure. While I feel the most lively gratitude for the many instances of approbation from my country, I can no otherwise deserve it than by obeying the dictates of my conscience. With due respect, }

"I am, gentlemen, your obedient,

"GEORGE WASHINGTON."

Until the publication of this letter, the president had in general been treated with decency in the democratic journals. Instead of impeaching his patriotism and integrity, they had affected to believe that these virtues would necessarily ensure the rejection of the treaty. This letter, however, left them no hope of intimidating him, and they no longer thought it expedient to profess a belief in the purity of his motives. "Does the president," it was said, "fancy himself the Grand Lama of the country, that we are to approach him with superstitious reverence or religious awe? His answer bespeaks a contempt of the people that no other evidence than his own letter would render credible. He has assumed a tone of majesty and superiority which would induce us to suppose ourselves in Potsdam instead of Philadelphia. We have been guilty of idolatry too long: punishment is pursuing us for it; it is high time that we should have no other gods but one."

The expression in the letter, that "the two branches ought not to substitute for their own conviction the opinions of others," was pronounced "a bold absurdity," because it implied that the president and senate were not bound by the opinions of the populace; and it was declared that "the man who cheats his fellow-citizens out of their liberties by false logic is a more *detestable* character than he who with a false key opens the doors of his neighbour's house, and rifles him of his substance, inasmuch as liberty is more precious than wealth."

On the 15th August the president signed the treaty, and by that act of moral courage rescued his country from the evils impending over her, and secured for her a long course of almost unexampled prosperity.

The party opposed to the treaty seemed driven to desperation by its ratification, and vented their mortification in impotent invectives against Washington. Only one expedient was left to them, and this was, to prevail on the lower House of Congress to refuse to pass the laws necessary to

carry the treaty into effect ; and every engine was immediately set in motion to produce this result. The most inflammatory addresses on the subject were made to the people. "The president," said one of these addresses, "has thrown the gauntlet, and shame on the coward heart that refuses to take it up. He has declared war against the people, by treating their opinions with contempt ; he has forfeited his claim to their confidence, by acting in opposition to their will. Our liberties are in jeopardy, and we must either rescue them from the precipice or they will be lost for ever. One hope offers itself to us, and a consolatory one too—the HOUSE OF REPRESENTATIVES OF THE UNITED STATES. As we have looked in vain for patriotism from the president, let us turn our eyes towards that body ; they are our *immediate* representatives ; they feel our wants, participate in our injuries, and sympathize in our distresses. They never will submit to have our country degraded—they never will be passive under the outrages upon our constitution—they never will be the instruments of voting away the people's rights. As our application to the president has been treated with scorn, let us make our appeal to that body which has the power of IMPEACHMENT, and we shall not find them stepfathers of their country. A treaty which has bartered away their rights cannot, will not be submitted to. Let us, then, fellow-citizens, rally round our representatives, and we may still be free !"

In pursuance of the policy thus recommended, petitions were forwarded from all parts of the Union to the House of Representatives, denouncing the treaty, and praying that body to rescue the country from the usurpations of the president and Senate.

The democratic party had a large majority in the House, and the temper of that majority was early manifested in a debate on the answer to the president's speech. In the answer, as first reported, the House was made to express their undiminished confidence in Washington ; but the pas-

sage was finally expunged. It is at least creditable to the *candour* of the majority, that they refused to express a confidence they did not feel—a refusal, however, which their children will remember only with pain.

On the 1st of March, 1796, the treaty having been duly ratified by Great Britain, was laid by the president before the House. It had now become, by the express declaration of the constitution, the supreme law of the land; yet this law it was the determination of the majority to abrogate. The day after the treaty had been submitted to the House, a resolution was introduced calling upon the president for all the correspondence and documents relating to it. The resolution was passed, after much debate, by a majority of twenty-five.

This call for papers was avowedly founded on the doctrine that it was optional with the House to pass the laws required by the treaty. To sanction this doctrine by complying with the call, would have been, in the president's view, a breach of the oath he had taken to support the constitution; and he therefore returned an answer stating at length his reasons for withholding the papers. In this answer he declared his conviction, that the constitution had vested in the president and Senate exclusively the treaty-making power; that foreign nations had been informed and believed that treaties made by the president, with the advice and consent of two-thirds of the Senate, were obligatory on the nation; and that such had been the understanding of the Convention which formed the constitution, and of the State Conventions which adopted it; and that being fully persuaded that the assent of the House of Representatives was not necessary to the validity of the treaty, a just regard to the constitution and to the duties of his office forbade him to comply with their request.

The House, on receiving this message, resolved, by a strong party vote, that whenever the execution of a treaty depends on laws to be passed by Congress, that House had

a right to decide on the expediency of the treaty and to act accordingly. This resolution augured ill for the fate of the treaty. A member of the minority soon after introduced a resolution, declaring that it was "expedient to pass the laws necessary for carrying into effect the British treaty." This resolution was debated with the zeal and ability the subject was so well calculated to elicit. The discussion continued for two weeks, and called forth an exhibition of eloquence which has probably never been exceeded, either before or since, in the American Congress; and certainly no subject of equal importance had engaged the attention of that body since the declaration of independence. The ratification of the treaty was a matter of choice; its rejection would not have been a breach of national faith, nor would it necessarily have precluded the possibility of negotiating another treaty. But, if the House of Representatives now refused to execute a treaty concluded with all the forms required by the constitution, it was evident that no assurance could hereafter be given to a foreign power, that a treaty made with it, and solemnly ratified, would be observed; and that no pledge founded on the faith of the United States would possess any value abroad. Nor could it be denied, that a refusal to execute the treaty would not only be a good cause of war, but would inevitably lead to it. The 1st of June, the time appointed for the surrender of the posts, was near at hand; but if the House avowed their intention to regard the treaty as a nullity, the posts would certainly be retained, and through the influence of their garrisons the frontier settlements would probably be exposed to all the horrors of an Indian war.

The merchants who had been despoiled of their property by British cruisers, looked to the treaty for compensation; but unless Congress proceeded to execute the treaty, not only would that compensation be withheld, but most of the remaining commerce of the country would probably be swept from the ocean by the naval forces of Britain.



These considerations, as the crisis approached, began to affect the public mind, and urgent memorials were presented to the House, deprecating their refusal to execute the treaty. Some members of the majority appeared to shrink from the responsibility of the accumulated calamities, in which the measures of their party threatened to involve the nation. But if the language of a few indicated irresolution, that of the leaders was bold and reckless ; and the result of the protracted debate was awaited by the community with intense and painful anxiety. On the 29th of April the question was taken, and the House was equally divided ! The chairman, although opposed to the treaty, gave his casting-vote in favour of its execution. Thirteen members of the democratic party voted with the federalists, and produced this unexpected result. The necessary laws were soon after passed ; the treaty went into full and successful operation ; and the nation reaped from the labours of her negotiator a rich harvest of prosperity and peace.

During the long and acrimonious discussions to which the treaty gave rise, Mr. Jay remained apparently a disinterested spectator of passing events. He entered into no defence of either himself or the treaty. Having discharged his duty, he felt no other solicitude in the result, than that excited by attachment to his country. His letters at this period show with what calmness he viewed the storm that raged around him, and how skilfully he detected its mingled elements.

“ TO MAJOR-GENERAL HENRY LEE.

“ New-York, 11th July, 1795.

“ DEAR SIR,

“ Accept my cordial thanks for the friendly congratulations expressed in your obliging letter of the 30th of last month, which I received yesterday.

“ It was obvious to me, when I embarked on my late mission, that so many circumstances combined to render

*pacific* arrangements with Great Britain unwelcome to certain politicians and their partisans, both here and elsewhere, that their approbation of any treaty whatever with that nation was not to be expected.

“Apprized of what had happened in Greece and other countries, I was warned by the experience of ages not to calculate on the constancy of any popular tide, whether favourable or adverse, which erroneous or transitory impressions may occasion.

“The treaty is as it is; and the time will certainly come when it will very universally receive exactly that degree of commendation or censure which, to candid and enlightened minds, it shall appear to deserve. In the mean time I must do as many others have done before me—that is, regretting the depravity of some, and the ignorance of a much greater number, bear with composure and fortitude the effects of each. It is as vain to lament that our country is not entirely free from these evils, as it would be to lament that our fields produce weeds as well as corn.

“Differences in opinion, and other causes equally pure and natural, will unavoidably cause parties; but such parties differ widely from factions, and are probably no less conducive to good government, than moderate fermentation is necessary to make good wine.

“My good friend, we must take men and things as they are, and enjoy all the good we meet with. I enjoy the goodwill to which I am indebted for your letter; and I enjoy the occasion it affords me of assuring you of the esteem and regard with which I am,

“Dear sir,

“Yours, &c. &c.

“JOHN JAY.”

## FROM TIMOTHY PICKERING.\*

" [Private.]

" Philadelphia, Aug. 14th, 1795.

" SIR,

" No man can be more anxious for the fate of the treaty with Great Britain than you ; and the wanton abuse heaped upon you by the enemies of their country, gives you a right to the earliest possible relief. The treaty will be ratified. This day the president finally sanctions a memorial announcing it to the British minister Mr. Hammond. The ratification will conform to the advice and consent of the Senate, unembarrassed with any other condition.

" Permit me to suggest to your consideration the expediency—perhaps I should say the necessity, at this time of general ferment, when the grossest falsehoods, the most infamous calumnies, are industriously disseminated to render suspected and odious the real friends to their country—of a solemn public declaration by the president of the principles of his administration, and of his appealing to the train of actions which have marked his whole life, for the purity and patriotism of his conduct on the present occasion. Something of the kind seems due to himself, and to the early, determined, and uncorrupted patriots who have supported him.

" The post is on the point of departure, which obliges me to conclude abruptly.

" With great and sincere respect,

" I am yours,

" TIMOTHY PICKERING."

\* Secretary at war.

“ TO TIMOTHY PICKERING.

“ [Private.]

“ New-York, 17th Aug., 1795.

“ SIR,

“ Accept my thanks for your obliging letter of the 14th inst. The friendly motives which induced you to communicate to me the information contained in it shall be remembered. The president's firmness on this occasion adds new honours to his character, and confers new obligations on his country.

“ Of the expediency of an address I am not perfectly satisfied ; although I think it would in many respects be useful. It appears to me to be a good *general* rule, that the president should very rarely come forward except officially. A degree of reserve seems necessary to the preservation of his dignity and authority ; any address would be exposed to indecent strictures. Many of our presses are licentious in the extreme, and there is little reason to presume that regard to propriety will restrain *such* parties, and so hostile to the constitution and government, from acting improperly.

“ My opinion of the existence, and of the views and practices of the leaders of these parties, or rather factions, is not of recent date. Nothing in their present conduct strikes me as singular, except their more than ordinary indiscretion. Industrious they are and will be, and no activity or *means* will be spared to gain a *majority in Congress at the ensuing session*. To render this attempt abortive the proposed address will doubtless conduce. The president's speech may indeed comprise his sentiments and remarks on the subject, but then, by that time the mischief may be advanced and ripened. A more early address, by correcting public opinion, would render it a check on the conduct of some representatives who might otherwise favour the opposition. There are men who will go with

the stream, whatever its course may be ; and there are others who will act right when they see no advantage to themselves in acting wrong. Snares and temptations will be spread ; in a word, this address has its pros and cons ; but it is a point on which I should confide in the president's judgment, which I think very seldom errs.

“Ancient as well as very modern history teaches us lessons very applicable to the present times ; and points out the necessity of temper, activity, and decision. I think that the president, with the blessing of Providence, will be able to carry his country safe through the storm, and to see it anchored in peace and safety : if so, his life and character will have no parallel. If, on the contrary, the clubs and their associates should acquire a decided ascendancy, there will be reason to apprehend that our country may become the theatre of scenes resembling those which have been exhibited by their brethren in France ; and that, to justify themselves, their utmost malice and art will be employed to misrepresent and vilify the government, and every character connected with it.

“God governs the world, and we have only to do our duty wisely, and leave the issue to him.

“I have the honour to be, &c.

“JOHN JAY.

“P. S. I do not learn that there is much uneasiness or defection in the counties of this State, except in places where Jacobin societies have been set up, or in neighbourhoods where some leading malcontents have influence. Late accounts from Albany on these topics are agreeable.”

“TO EDMUND RANDOLPH.\*

“[Private.]

“New-York, 20th Aug., 1795.

“SIR,

“I have been honoured with yours of the 16th instant, and thank you for the interesting information detailed in it.

“Knowing that my opinions and sentiments relative to the treaty cannot easily be supposed to be free from the influence of personal considerations, I have been so reserved as that since my arrival I have neither written a line to the president, nor been the author of a single anonymous paper on the subject of its merits.

“However much I regret the ferment which it has been made the occasion of exciting in certain places, and among certain people, yet I confess few circumstances have occurred which I did not expect. I carried with me to Europe, and I brought with me from thence, a fixed opinion, that no *treaty whatever* with Great Britain would escape a partial but violent opposition. I did clearly discern that any such treaty would be used as a pretext for attacks on the government, and for attempts to diminish the confidence which the great body of the people reposed in it.

“In the history of this country, posterity will have much to admire and commend; and I shall be mistaken if they have not also much to censure and deplore. Be that as it may, I shall continue to possess my mind in peace, and be prepared to meet with composure and fortitude whatever evils may result to me from the faithful discharge of my duty to my country. The history of Greece, and other less ancient governments, is not unknown to either of us; nor are we ignorant of what patriots have suffered from domestic factions and foreign intrigues, in almost every age.

\* Secretary of state.

"It is pleasing, however, to reflect that our country possesses a greater portion of information and morals than almost any other people; and that although they may for a time be misled and deceived, yet there is reason to expect that truth and justice cannot be long hid from their eyes.

"I am, dear sir,

"Yours truly,

"JOHN JAY."

"TO JAMES DUANE.\*

"New-York, 16th September, 1795.

"DEAR SIR,

"I read your kind and affectionate letter of the 31st of July last with great satisfaction and sensibility, and I thank you for it. It is pleasing to see friendship, like an ever-green, bid defiance to the vicissitudes of seasons.

"The opposition to which you allude, except as to its degree of malignity, was not unexpected. When the mission to England was pressed upon me, it was perceived that there were parties who would endeavour to wound the government through the sides of the envoy, and either depreciate his success or censure his want of it.

"It had long been obvious that negotiations relative to the posts would unavoidably extend to the complaints of Great Britain relative to the debts, and that every idea of paying them would be offensive to the southern States.

"The attempts of the French to plunge us into the war were well known, and it was equally plain that they would not cease to be hostile to an amicable settlement of our differences with Great Britain.

"The constitution still continued to be a rock of offence to the anti-federalists; and the funding system, by affording support to the government, had become exceedingly obnoxious to that party. It was evident, then,

"That a treaty with Great Britain, by preventing war,

\* Late mayor of the city of New-York.

would disappoint the southern debtors of the receipts in full, with which they flattered themselves from a war.

“That it would displease the French, by lessening our supposed dependence on them for protection against Great Britain, by diminishing their influence in our councils, and by making us friends with their enemies.

“That it would discontent the anti-federalists, by disarming them of their affected complaints against the government on account of the posts, and commerce, &c., and by giving additional strength to the administration, &c. &c.

“Hence there was reason to apprehend that a treaty with Great Britain would become a signal to the anti-federalists, the debtors, and the French, to unite their efforts to prevent its taking effect, and to embarrass its execution if ratified; and to conduct their opposition in the manner most injurious to the constitution and to the administration, and to all the men who are attached or give support to either. That with these parties would naturally be associated the Jacobin philosophers, the disorganizing politicians, and the malcontents of various descriptions; together with the many who have little to lose and much to covet, and those who regard war as speculation, and prefer spoil and plunder to patient industry and honest gains. To these also may be added the numerous herd of those who blindly follow their leaders, who judge without understanding, who believe without evidence, and who are to their demagogues what some other animals are to their riders.

“On the other hand, the highest confidence was reposed in the wisdom and firmness of the government, and in the virtue and good sense of the great mass of our people, who (especially in the eastern and middle States) possess a degree of information and steadiness not to be found in other countries. This confidence I then entertained and still retain. I persuade myself it will be justified by the event, and that the delusion which certain spirits are spreading to deceive the people, will not infest the sound part of the nation. If,



however, this persuasion should prove to be ill founded, we may expect to see our country afloat on a sea of troubles. But having been conversant with difficulties, we are apprized that it is more proper as well as more useful to turn our faces than our backs to them.

“As to the treaty, it must and will speak for itself: it has been maliciously slandered, and very ably defended. But no calumny on the one hand, nor eloquence on the other, can make it worse or better than it is. At a future day it will be generally seen in its true colours, and in its proper point of view.

“Strenuous efforts will be made to *gain* and *mislead* a majority of the House of Representatives at the ensuing session of Congress; and if they succeed, many perplexities and embarrassments may be expected. But perplexities and embarrassments are incident to human affairs; and while *moral* evil remains in the world it will constantly generate political ones.

“Whenever I visit Albany, I shall certainly make an excursion to Duanesburgh. Your family are taking deep root there; and they have my best wishes that they may there be and remain ‘*like a tree planted by the water-side, whose leaf shall not wither.*’

“I am, dear sir, your friend and servant,

“JOHN JAY.”

In order to form a just estimate of the merits of the British treaty, it is necessary to call to mind the unpropitious circumstances under which it was negotiated, to examine the results it produced, and finally to compare its provisions with the treaties subsequently formed by the United States.

The difficulties opposed by the political state of both Europe and America, to a successful negotiation with Great Britain have already been adverted to. It has also been shown, that the immediate effect of the treaty was to avert

a war, from which the United States could have derived no possible advantage, which the treaty itself did not secure to them, and which could not have been waged but at a lamentable expense of blood and treasure. The treaty, moreover, with one exception, removed every existing obstacle to the continuance of peace between the two countries. This exception was the right claimed by Great Britain to impress her own seamen, when found on board neutral merchant-vessels at sea; a claim which a subsequent war and treaty failed to extinguish, and which we may therefore believe no efforts of Mr. Jay could have induced the British cabinet to abandon. The commercial privileges granted to the United States both in Great Britain and the East Indies, extensively contributed to their present wealth and prosperity, and led to the privileges they still enjoy in those countries. The compensation recovered in consequence of the treaty, for spoiliations on American commerce far exceeded what has ever been recovered on a similar account under any subsequent treaty, and amounted to the large sum of **TEN MILLIONS THREE HUNDRED AND FORTY-FIVE THOUSAND DOLLARS.**

This sum was paid into the pockets of American merchants, who, but for the treaty, would have found in a war with England the completion of their ruin.

Nor was it one of the least benefits of the treaty, that by preserving peace with Great Britain it saved the country from an alliance with France, then in the height of her delirium. We have already seen the strong disposition which existed in the United States to adopt French principles and manners; and it cannot be questioned, that had that disposition been fostered by the close connexion into which a war with England would have drawn the two republics, it would ultimately have proved dangerous and perhaps ruinous to the morals and institutions of the country.

Let us now take a comparative view of this much calum-

niated treaty, and see how far the abilities of Mr. Jay have been eclipsed by subsequent negotiators, and how far the errors of which he has been accused have been avoided by some of those who were most active in condemning them.

In 1799, notwithstanding the insulting rejection by the French Directory of two successive missions, Mr. Adams, who was then president, contrary to the opinion of his cabinet and the wishes of the federal party, made a third effort to conciliate the offended republic, and appointed three commissioners to negotiate with her. One of these commissioners was Mr. Ellsworth, chief justice of the Supreme Court of the United States. It will be recollected that Mr. Jay held the same station when sent to England, and it will also be recollected that the president and Senate were accused by the opposers of the mission, of violating the constitution and tainting the purity of the bench by the appointment. It might have been supposed that these jealous patriots would have been greatly scandalized at this reiterated assault upon the constitution and the bench; but Mr. Ellsworth was a minister of peace to France, and not to England, and not a murmur was heard throughout the democratic party.

The spoliations on American commerce by the French far exceeded what had been committed by Great Britain prior to 1794; and the government were informed of no less than 619 American vessels which had been captured and condemned under the French decrees. On the 3d September, 1800, a treaty was concluded with France which gave no compensation for any one of these captures; yet those who burned the British treaty, received this with exultation.

The article inserted by Mr. Jay in his treaty, prohibiting the sequestration of debts in case of war, was denounced as a wanton abandonment of a powerful means of offence against Great Britain. A similar article, copied *verbatim*

from that treaty, was inserted in the French treaty, and not a voice was raised against it. To sequester British or French debts was altogether a different affair.

The board of commissioners, provided by the British treaty to investigate and decide on claims, was denounced as a judicial colossus, by which American citizens were robbed of their right of trial by jury, and the president and Senate were censured for establishing a court unknown to, and contrary to, the constitution. In 1804, under Mr. Jefferson's administration, a treaty was formed with Spain, in which it was found expedient to provide a board of commissioners constituted precisely like that which had been so vehemently condemned.

By the expiration, in 1803, of the commercial articles of the British treaty, the commerce of the United States with Great Britain was left subjected to the arbitrary restrictions of that government. Mr. Jefferson was desirous of placing it on a less precarious footing, and, in 1806, he appointed two commissioners to negotiate another commercial treaty. This gentleman had pronounced the treaty of 1794 "execrable;" an "infamous act which was really nothing more than a treaty of alliance between England and the Anglomén of this country, against the legislature and people of the United States."\* He had declared the negotiator of this treaty to be "a rogue of a pilot," who had run the vessel of State into an enemy's port,† and had called on the House of Representatives to save the people from his "avarice and corruption."‡ It must therefore have been Mr. Jefferson's opinion that an *honest* minister would have made a better treaty; and we are to presume that it was under the influence of this opinion that he selected Messrs. Monroe and Pinckney as his negotiators.

\* See Jefferson's writings, vol. iii. Letter to Edward Rutledge, 30th November, 1795.

† Letter to Mann Page, 30th Aug., 1795.

‡ Letter to James Madison, 27th March, 1796.

On the 31st of December, 1806, these commissioners signed, at London, a commercial treaty with Great Briain. It is not a little singular that this instrument contained no less than eleven articles, transferred *verbatim* from the "execrable" treaty of 1794, and five others copied from the same treaty with slight alterations. In two instances only was this treaty more advantageous to the United States than the old one. In the latter, the British had reserved a right to countervail an alien tonnage duty, by the imposition of an equivalent one on American vessels entering their ports. This reservation was now omitted. Another improvement was, the omission of provisions in the enumeration of contraband articles. But it should be recollected that the former treaty had prepared the way for this omission, by stipulating that provisions going to an enemy's port, instead of being forfeited, might be purchased by the captor, on his paying for them their full value, including freight and a reasonable mercantile profit. But these advantages, such as they were, were purchased at a costly sacrifice. By the old treaty, an American vessel might carry a cargo from any part of the world to the East Indies, and thence to the United States; but by the new one, the outward as well as the return voyage was to be direct, and not circuitous. The direct trade between Europe and all the colonies of the enemies of Great Britain was expressly surrendered; and it was agreed that whatever cargoes an American merchant might wish to carry from Europe to those colonies, or from them to Europe, should be first landed in the United States and a duty paid upon them. We may easily imagine the outcry which such a stipulation in the old treaty would have occasioned in America. The commercial intercourse between the United States and the adjoining British possessions, granted by the former treaty, was now withheld, Great Britain positively refusing to renew it.

The British government had not long before issued orders for capturing American vessels trading to such

ports in the enemy's colonies as had been closed against them in time of peace; and under these orders American property had been seized to a large amount. Captures, on the same principle, had been made prior to 1794, but in Mr. Jay's treaty this principle had been tacitly renounced, and compensation had been made for the property taken under it.

Messrs. Monroe and Pinckney were instructed to obtain compensation for the captures recently made, and were authorized to refer the amount of compensation to the decision of a board of commissioners, to be organized like the one established by the former treaty.\* But the American ministers found themselves unequal to the task so successfully accomplished by their predecessor, and they signed a treaty which gave no redress whatever for these spoliations.

Mr. Jay was not only censured but insulted for concluding a treaty that did not protect the crews of American vessels from impressment; but the treaty of 1806 was in this respect equally deficient, as it contained no allusion to the subject.

The signature of the treaty by the British commissioners was accompanied by a written declaration that their government would not consider itself bound by it, unless the United States would engage to resist certain French decrees encroaching upon neutral rights; in other words, that the treaty should be a nullity, unless the United States became a party in the war against France.

Such was the treaty concluded by Messrs. Monroe and Pinckney, and such the humiliating condition annexed to it by Great Britain. Mr. Monroe was a member of the Senate at the time of Mr. Jay's appointment, and opposed his nomination because, among other reasons, he "thought it would be difficult to find within the limits of the United

\* See Instructions from Mr. Madison, secretary of state, dated 17th May, 1806. *American State Papers*, vol. vi. p. 224, 2d edit.

States a person who was more likely to improve to the greatest possible extent, the mischief to which the measure naturally exposed us.”\* At the time this opinion was expressed, Mr. Monroe had not made trial of his own talents for diplomacy.

Mr. Jefferson, with great consistency, instantly rejected the treaty negotiated by his ministers; but it is not known that he denounced them as “rogues,” or accused them of “avarice and corruption.”

All further efforts to procure a commercial treaty proved unavailing. The war of 1812 followed, and was terminated by a treaty of peace, which secured to the United States no advantages whatever, not even a guarantee against impressment, for which the war had been professedly waged.

In 1815, the president, Mr. Madison, who had in the House of Representatives acted a prominent part in opposition to the treaty of 1794, succeeded in obtaining a meager treaty, limited to four years. By this treaty, the trade between the United States and the British dominions in Europe was placed on the same footing as by Mr. Jay’s treaty, except that the reservation by Great Britain respecting countervailing tonnage duties was omitted, and each party was restricted from imposing higher duties on imports in the vessels of the other than in its own. How far this arrangement was advantageous to American commerce is at least questionable. It was formerly the policy of most nations to encourage their own shipping by discriminating duties; and a contrary stipulation would not have been tolerated in 1794. Modern opinions, however, are certainly most favourable to the doctrine of free trade; with how much justice time will determine. It is however certain, that under this arrangement the British have become carriers for the United States to an extent entirely

\* See Monroe’s View of the Conduct of the Executive in the Foreign Affairs of the United States, p. iv.

unknown before. If the stipulations we have mentioned were improvements, they were the only ones of which the new treaty could boast. Mr. Jay had secured a trade for American vessels to *all* the ports of the British East Indies. This trade was now restricted to four specified ports. No trade was granted with the British provinces in America, or with the West Indies. The treaty contained no specification of contraband articles—no precautions against abuses by privateers—no stipulation against the citizens of one party accepting commissions against the other—no provisions for the security of merchants and their effects in case of war; and no agreement for the surrender of fugitives from justice. On the whole, with the exception of the restrictions on the trade with the enemy's colonies, the treaty made by Messrs. Monroe and Pinckney was far preferable to the one of 1815.

When this treaty was about expiring, negotiations were resumed, but nothing more could be obtained than an extension of it for ten years. In 1827, a further effort was made to obtain a better treaty, but the British ministry was inflexible, and the negotiation resulted in an indefinite extension of the existing treaty, with the privilege to each party of terminating it at pleasure, on giving the other a twelvemonth's notice.



## CHAPTER XI.

1795-1801.

Administration of Governor Jay—His Proclamation for a general Thanksgiving—His Conduct in appointing to Office, and in pardoning Criminals—Recommendation relative to the Observance of the Sabbath—Re-elected Governor—Convenes the Legislature in the Prospect of a War with France—Law passed for the gradual Abolition of Slavery—The Governor declines the Office of Chief Justice of the United States—Resists the Encroachments of the Council of Appointment—Removes from Albany—Presented with the Freedom of the City.

ONE of the first acts of Governor Jay was a proclamation directing certain precautionary measures against the introduction of the yellow fever into the city of New-York. These measures unfortunately proved unavailing, and in the latter part of the summer the city was visited with that distressing pestilence. The governor, believing it to be his duty not to leave the city, remained with his family during the continuance of the malady. The station he occupied induced him, on the removal of the scourge, to call upon his fellow-citizens throughout the State to unite with him in public thanksgivings to that Being through whose providence the plague had been stayed.

In New-England, days of public thanksgiving, and of fasting and humiliation, had long been customary, and were recognised by the laws; but in New-York such days, it is believed, had never been appointed by the civil authority, and the Legislature had made no provision for their observance. The governor well knew that the spirit of party would gladly avail itself of the present occasion to impugn his motives; and he therefore took the precaution to state

explicitly the grounds on which he made the call. In the preamble of the proclamation appointing a public thanksgiving, after dwelling upon the propriety of public expressions of gratitude for public blessings, and enumerating many of the distinguished favours which Providence had conferred upon the people of the State, and particularly the cessation of the late sickness, he observes :

“Whether the governor of this State is vested with authority to appoint a day for this purpose, and to *require and enjoin* the observance of it, is a question which, circumstanced as it is, I consider as being more proper for the Legislature than for me to decide. But as the people of this State have constituted me their chief magistrate, and being perfectly convinced that national prosperity depends, and ought to depend, on national gratitude and obedience to the Supreme Ruler of all nations, I think it proper to recommend, and I therefore do earnestly *recommend* to the clergy and others of my fellow-citizens throughout this State to set apart Thursday, the 26th November, instant, for the purposes aforesaid, and to observe it accordingly.”

This proclamation was immediately assailed in the democratic papers, and the following letter from an old and ardent friend of the governor's contains an ironical statement of some of the objections to it.

FROM JUDGE HOBART.\*

“Throggs Neck, 18th November, 1795.

“DEAR SIR,

“I have read with pleasure your excellency's proclamation for a day of thanksgiving and prayer ; the causes are well assigned, and the petitions well adapted. Everybody will agree that we have received great and undeserved mercies, as a society, from our Creator ; and that it is fit and proper we should, as a society, acknowledge and

\* A justice of the Supreme Court of New-York.

implore the continuance of them. But by whose authority shall the times and seasons for the purpose be pointed out?

“I wot that in good olden time it was the peculiar province of holy church, and so continued till Henry the 8th, of *pious* memory, made a kind of hotch-pot business of it, by uniting the ecclesiastical and civil power in his own hands. His example has been followed by his successors to the present day: they issue their proclamations appointing days for public fasting, humiliation, and prayer in times of public calamity, and for public thanksgiving and praise upon signal instances of public mercies. It may be said their proclamations are authoritative, ours only recommendatory. But I ask, if the recommendation does not partake of the nature of a *conge d'elire*?—and who will be hardy enough to neglect an acknowledged duty when recommended from such high authority? Am I mistaken, or do my glasses magnify too much when I fancy I see the cloven foot of *monarchy* in this business? Alas! where are the direful effects of this extraordinary envoyship to end?—the benefits of our commerce transferred to Britain—the usurpations of its monarchy transferred to us. Nor is this all: the poor clergy are by the constitution confined to the cure of souls. They may not intermeddle with the political concerns of the community; the door is for ever barred against them. Let who may be rulers, they *must* be subject. And shall the poor pittance of power, arising from the authority of calling their congregations together, to observe particular days for religious purposes, be thus wrested from them? It is in vain to say that no interference with their authority is intended; for whether intended or not, it may happen that our civil governor may recommend a thanksgiving to be celebrated on the same day which our spiritual governors had set apart for fasting. The case I observe has actually happened in the present instance; and I applied yesterday to the casuistry of the parson of the parish to decide for me between them, and tell which ought to be obeyed. He,

good man, entered an *advisari*, and may eventually take it *ad referendum*. It seems this power ought to be exercised by the spiritual or the civil rulers solely: it is an *hereditament* of which they cannot be seized as *tenants in common*, unless there should be formed such an intimate *alliance* between church and state as to prevent all possibility of interference.

“If Camillus can dispose of these objections to the proclamation in as handsome a manner as he has those to the treaty, I shall tremble for the fate of my country when you are sent on an extra mission to the court of Rome, lest the same spirit of imitation might produce a bull, constituting another *defender*, though I trow not of the faith.

“Yours, most sincerely,

“JOHN SLOSS HOBART.

“His excellency Gov. Jay.

“19th.—I find by the Daily Advertiser that the proclamation, no more than the treaty, is to escape the shafts of envy and malevolence.”

But there was still another objection, not mentioned in the letter, and one which shows with what rancour the father of his country was regarded by a party whose views he had thwarted, by ratifying the British treaty. Among other subjects for prayer, suggested by the proclamation, was the preservation “of the valuable life and usefulness of the President of the United States.” This recommendation was represented in certain newspapers as insulting to those who differed from the governor as to the value of Washington’s life, and the extent of his usefulness.

On the 6th January, 1796, the governor met the Legislature for the first time. His speech was concise, and chiefly confined to the recommendation of such laws as in his opinion would promote the public welfare. It contained the following summary of the principles by which his official

conduct would be governed ; and never was a pledge of this nature more faithfully redeemed.

“ Permit me to avail myself of this first opportunity which has occurred, of expressing through you to my constituents, the high sense I entertain of that esteem and confidence which prompted them to place me in the station I now fill. Fully apprized of the duties which it imposes upon me, my best endeavours shall be exerted to fulfil them ; and I flatter myself, that in the course of my administration, the sincerity of this assurance will be found to rest on better evidence than professions can afford.

“ To regard my fellow-citizens with an equal eye, to cherish and advance merit wherever found, to consider the National and State governments as being equally established by the will of the people, to respect and support the constituted authorities under each of them, and, in general, to exercise the power vested in me with energy, impartiality, and freedom, are obligations of which I perceive and acknowledge the full force.”

By the constitution of New-York, appointments to office were to be made by the governor, with the advice and consent of the council of appointment—a council consisting of four senators, annually selected by the House of Assembly. It had been the practice since the commencement of the government, for the governor to nominate, and for the council to approve or reject the nomination. The governor’s exclusive right of nomination had recently been denied ; and the Legislature were advised by the speech to settle the question by a declaratory act. The wisdom of this advice was evinced by subsequent events, to which we shall have occasion to allude. The speech contained two other recommendations, which are interesting as proposing systems of policy which have since greatly advanced both the character and prosperity of the State. The first related to a mitigation of the criminal code, and to establishments for the employment and reformation of criminals. The second

to a plan of internal improvements for facilitating and multiplying the means of intercourse between different parts of the State.

The answers of both Houses to the speech were explicit in their expressions of confidence in the governor, and of their high sense of the ability and patriotism which had marked his public services; thus repelling, in unequivocal terms, the calumnies with which the opposers of the British treaty had found it convenient to assail the minister who negotiated it.

In conformity with the recommendation of the speech, the subject of the criminal code engaged the attention of the Legislature, and a law was passed expunging from it many of the sanguinary features which it had borrowed from the jurisprudence of the mother country, and provision was made for the erection of a state-prison; criminals sentenced to imprisonment, having hitherto been confined in the jails of the counties in which they had been convicted.

When we recollect the sentiments uniformly avowed by Governor Jay in relation to slavery, it may seem singular that no proposition for its abolition was contained in his speech. It was no doubt omitted from the conviction that in the present state of politics, such a proposition emanating from him, would enlist the spirit of party in opposition to a measure, against which the prejudices of a large portion of the community were already arrayed. He therefore deemed it most prudent that the measure should originate with the Legislature. Accordingly, a few days after the commencement of the session, a member of the lower House, and an intimate friend of the governor's, asked leave to introduce a bill for the gradual abolition of slavery. This request, which is usually granted as a matter of course, was unexpectedly resisted, and leave was finally given by a small majority. The vote evinced the strong repugnance felt by the house, even to take the subject into consideration. The bill underwent a protracted discussion, and was ulti-

mately defeated by a resolve, that it would be unjust to deprive any citizen of his property, without a reasonable pecuniary compensation, at the expense of the State. It was well understood by all, that on this condition, it was impracticable to abolish slavery; and no further attempt to carry the bill was made during the session. An important point had, however, been gained by its introduction. The discussion had awakened public attention to the subject, and the friends of justice and humanity were well assured, that the more the evils of slavery were exposed, the sooner would the public demand its extinction.

An opportunity soon presented itself for testing the sincerity of the governor's promise, that he would regard his fellow-citizens with an equal eye, and exercise with impartiality the powers intrusted to him. For about eighteen years the administration of the State had been in the hands of Governor Clinton, and most if not all the offices in his gift were filled by his political friends. For the last six years the citizens had been divided into two great parties, possessing opposite views and principles, and lavish in their criminations of each other. The late election had transferred the official patronage of the State to Mr. Jay, and it was not perhaps an unreasonable expectation, that a popular leader would reward his followers, or that a regard to his own interests would induce him to wrest from his enemies such means of annoyance as were supplied by situations of profit and influence. It was also recollected that Mr. Jay had three years before been excluded from the place he now filled, by a party act of at least questionable morality; and that he now was, and had been for the last year, the constant theme of the most malignant insult and abuse, by the very party to which almost every officeholder in the State belonged. Soon after the meeting of the Legislature, the council of appointment was summoned by the governor, and it is not surprising that his friends, flushed with their recent triumph, now anticipated the spoils

of victory. But their hopes were disappointed. The governor they had elected was the governor of the State, and not of a party ; and he resolved to dispense his patronage for the good of the whole, and not of his friends. Hence the council was called on by the governor only to fill vacancies where they existed, but not to remove any from office, as a punishment for political heresies. During the six years of Governor Jay's administration, *not one individual* was dismissed by him from office on account of his politics. So long as an officer discharged his duties with fidelity and ability, he was certain of being continued, and hence his devotion to the public became identified with his personal interest. It is related that in the council, a member was urging in behalf of a candidate his zeal and usefulness as a federalist, when he was interrupted by the governor, with " That, sir, is not the question ; is he fit for the office ? "

But if, on the one hand, he refused to consult the interests of his friends in preference to those of the public ; on the other, no considerations of policy could seduce him into acts of injustice or ingratitude towards them. An active federalist strongly advised him to appoint a gentleman of the opposite party to an important office. The governor remarked, that the office, instead of being vacant, was already filled by one who was a federalist, and against whom he had received no complaint, and expressed his surprise that he should be pressed to remove him, in order to make room for a political opponent. He was assured, in reply, that the present incumbent had no influence, whereas the person recommended had a great deal, and would, if appointed, use it all in behalf of the administration. " And do you, sir," said the governor, indignantly, " advise me to sell a friend, that I may buy an enemy ? "

The period for which General Washington had been elected president was now approaching its conclusion, and his friends became solicitous to obtain his consent to a re-



election. The first intimation of the determination he had made to retire from public life at the end of the present term, was, it is believed, elicited in the following correspondence.

“TO GEORGE WASHINGTON.

“New-York, April 18th, 1796.

“DEAR SIR,

“You can have very little time for private letters, and therefore I am the more obliged by the one you honoured me with on the 31st of last month. Your answer to the call for papers meets with very general approbation here. The prevailing party in the House of Representatives appear to me to be digging their political grave. I have full faith that all will end well, and that France will find the United States less easy to manage than Holland or Geneva.

“The session of our Legislature is concluded, and nothing unpleasant has occurred during the course of it. I think your measures will meet with general and firm support from the great majority of this State. There is no defection among the federalists; as to the others, they will act according to circumstances.

“These contentions must give you a great deal of trouble; but it is apparent to me, that the conclusion of them, like the conclusion of the late war, will afford a train of reflections which will console and compensate you for it.

“Attachment to you, as well as to our country, urges me to hope and to pray that you will not leave the work unfinished. Remain with us at least while the storm lasts, and until you can retire like the sun in a calm unclouded evening.

“May every blessing, here and hereafter, attend you.

“I am, dear sir,

“Your obliged and affectionate servant,

“JOHN JAY.”

“ TO JOHN JAY.

“ [Private.]

“ Philadelphia, 8th May, 1796.

“ MY DEAR SIR,

“ You judged very right when, in your letter of the 18th ultimo, you observed, ‘ I can have very little time for private letters.’ But if my friends will put up with the hasty and indigested ones I can write, under such circumstances, there are a few of them (among whom allow me the gratification to place you) with whom I should feel very happy to correspond, and, while I hold my present office, to learn their sentiments upon any of the important measures which come before the executive of the United States.

“ I am sure the *mass* of citizens in the United States *mean well*, and I firmly believe they will always *act well* whenever they can obtain a right understanding of matters; but in some parts of the Union, where the sentiments of their delegates and leaders are adverse to the government, and great pains are taken to inculcate a belief that their rights are assailed and their liberties endangered, it is not easy to accomplish this; especially (as is the case invariably) when the inventors and abettors of pernicious measures use infinitely more industry in disseminating the poison, than the well-disposed part of the community do to furnish the antidote. To this source all our discontents may be traced, and from it our embarrassments proceed. Hence serious misfortunes, originating in misrepresentation, frequently flow and spread before they can be dissipated by truth.

“ These things do, as you have supposed, fill my mind with much concern and with serious anxiety. Indeed, the trouble and perplexities which they occasion, added to the weight of years which have passed upon me, have worn away my mind more than my body, and render ease and retirement indispensably necessary to both during the short time I have to remain here.

“It would be uncandid, therefore, and would discover a want of friendly confidence (as you have expressed a solicitude for my, at least, riding out the storm) not to add, that nothing short of events, or such imperious circumstances (which I hope and trust will not happen) as might render a retreat dishonourable, will prevent the public announcement of it in time to obviate waste or misapplied votes, at the election of president and vice-president of the United States in December next, upon myself.

“I congratulate you on the tranquil session just closed in your State, and upon the good dispositions generally which, I am informed, prevail among the citizens thereof.

“With the most friendly sentiments, I remain, dear sir,

“Your obedient and affectionate servant,

“GEO. WASHINGTON.”

In September, the president published his justly celebrated Farewell Address; and in the succeeding November a special session of the New-York Legislature was held for the purpose of appointing electors of president. The governor embraced the opportunity thus offered of paying a public tribute to the services and character of this great and good man. “The period,” said the governor in his speech, “fixed for the election of a president of the United States is approaching, and the measures preparatory to it in this State are now to be taken. In every possible situation of our national affairs, whether of peace or war, of tranquillity or of ferment, of prosperity or misfortune, this object will not cease to demand the utmost care and circumspection.

“Hitherto embarrassments arising from competitions, and from the influences incident to them, have not been experienced; they have been excluded by the uniform and universal confidence reposed in that illustrious patriot, who being distinguished as the father and ornament of his country, by a series of great and disinterested services, was also

eminently qualified by an uncommon assemblage of virtues and talents for that important and exalted station.

“But that extraordinary man, having with admirable wisdom and fortitude conducted the nation through various vicissitudes and unpropitious circumstances to unexampled prosperity, is now about to retire. Mankind has not been accustomed to see the highest military and civil power of a nation so received, used, and resigned, as they have been in this glorious instance.”

1797.] In January the Legislature again assembled, and a bill was brought into the Senate for the gradual abolition of slavery. The opposition to this bill was less open than that which it had experienced in the other House the preceding winter, but it was not perhaps less insidious. Its consideration was postponed from time to time by a hostile majority, till the session expired without a vote being taken on its merits.

On the 25th November of this year, the new state-prison was opened for the reception of convicts. This was the commencement of a new era in the criminal jurisprudence of New-York. A sanguinary code had been abolished, and the penalty of death had, in many instances, been commuted for imprisonment at hard labour in the new prison. To the governor was confided the power of pardoning; and certainly no other official function so often exacted from him the sacrifice of feeling to duty. The petitions for pardons were numerous, and they were frequently presented under circumstances which required great firmness to resist them. In two instances, the governors of neighbouring States applied to him by letter, soliciting the pardon of convicts from their States, who happened to be respectably connected. In another case, the clergy, magistrates, and inhabitants of a town in Connecticut united in a petition in behalf of a fellow-townsmen. But perhaps in no instance did the governor find it more difficult to withstand the solicitations of his friends, and the impulses of his own

feelings, as in one which excited a general and painful interest. The son of a worthy revolutionary officer, who had lost a limb in the public service, had been convicted of forgery, and sentenced to imprisonment for life. The aged and broken-hearted parent repaired from a distant part of the State to the capital, to invoke in person the clemency of the executive, bringing with him from the towns through which he passed petitions urging his suit; while the governor's most confidential friends, and the great officers of state, solicited him in private, to liberate the prisoner, in consideration of the father. But all was in vain. A pardon, on the ground on which this was asked, would have been an admission that the children of deserving parents might commit crimes with impunity; and that an offender, whose connexions were numerous and influential, was entitled to more lenity than the friendless and obscure. The principles on which the governor exercised this important prerogative may be gathered from some of his letters on the subject.

"TO THE JUSTICES AND SELECTMEN OF THE TOWN OF  
NORWALK, CONN.

"New-York, 2d July, 1798.

"GENTLEMEN,

"I have received the petition by which you and other inhabitants of the town of Norwalk request that a pardon may be granted to Stephen Belknap, who was lately convicted of attempting, in concert with other prisoners, to effect their escape from the jail of this city by force of arms. The jail of the city was broken, the citizens alarmed, one of them was shot and severely wounded, and the lives of others of them greatly endangered. For this offence he was sentenced to imprisonment and hard labour in the state-prison for eighteen months, and to a fine of no great amount.

"This correct and well-written petition appears to have been dictated by pure and commendable motives. From

the characters of the subscribers I am convinced that entire credit is due to the facts stated in it, and that the reputation, circumstances, and connexions of Stephen Belknap are truly represented.

“I feel the force of the considerations you urge, and sincerely sympathize with the young man’s father in the affliction which he must necessarily experience from so distressing an event.

“It is true that I have authority to grant him a pardon ; but that authority, you well know, gentlemen, is to be considered as a *trust* to be executed, not according to my will and inclination, but with sound discretion, and on principles which reconcile mercy to offenders, with the interests of the public.

“In free states the laws alone bear rule ; and, to that end, respect for and obedience to them is indispensable to the order, comfort, and security of society. Belknap’s offence includes disrespect to the laws, opposition and defiance to their authority, and a most unjustifiable combination to break from their control by force of arms, and without regard to the blood and lives of faithful officers and innocent citizens.

“The punishment to which he has been adjudged is mild, and they who visit the state-prison will find that he has nothing but his confinement to complain of. After having very maturely considered this case, it appears to me that the nature of his offence is such as that a pardon would not be a prudent or a seasonable measure. The civil magistrates and ministers of justice must be protected, and that so decidedly as to let it be seen and felt, that violences and outrages against them cannot be committed with impunity. To pardon and discharge such an offender almost directly after his commitment to the state-prison would, instead of producing the proper impressions on him and others, naturally excite disgust and indignation in the peace-officers, and be censured, if not generally, at least by those who

think our present penal code too mild. Besides, should a pardon be granted to Belknap and refused to his fellow-offenders, it would be difficult so to discriminate him from all the others as to avoid that partiality and respect to persons which both justice and policy forbid. Although too much severity is inhumanity, yet unless mercy is extended with great discretion, it will encourage offences and ultimately multiply punishments.

“It also merits consideration, that many judicious and well-disposed citizens among us think that more sanguine expectations are entertained from our present mild or (as some call it) relaxed system of punishments than will ever be realized. Prudence directs that it should have a fair trial, and therefore that the supposed objections to it should not be permitted to derive strength and support from the frequency of pardons, in cases where the propriety of them is justly liable to doubt and question.

“I submit these reflections to your candid consideration ; and I assure you that I sincerely regret their constraining me to forego the satisfaction I should derive from a compliance with your request.

“It is pleasant to gratify those who wish us well, and whom we esteem and respect ; but there are occasions when we must, however reluctantly, deny ourselves that pleasure.

“I have the honour to be, gentlemen,

“Your humble servant,

“JOHN JAY.”

“TO GENERAL WILLIAMS.

“SIR,

“I have been favoured with yours of the 28th May, mentioning that the friends of William Moncrief are anxious for his release from imprisonment, and that the people appear to be satisfied with the punishment he has received. How far these circumstances afford proper reasons and princi-

ples whereon to found a pardon, is a question which, after due consideration, will not, I presume, appear very difficult to decide.

“The power of pardoning is committed by the constitution to the prudence and discretion, and not the wishes or feelings of the governor. If it was confided to the latter, very few convicts would be long imprisoned. I believe it to be my *duty* to pardon all who, in my judgment, ought to be pardoned, and to refuse pardons to all who, on principles of sound policy and justice, ought not to have them. To pardon or not to pardon does not depend on my will, but on my judgment; and for the impartial and discreet exercise of this authority I am and ought to be highly responsible.

“I am, sir,

“Your most obedient servant,

“JOHN JAY.”

The moderation and forbearance evinced by Governor Jay towards his political opponents arose from other and higher motives than a desire to conciliate their favour; and he was, therefore, neither surprised nor disappointed at finding the electioneering campaign opened against him at least one year before the expiration of his term of service. His enemies took the field under the banners of his old friend Chancellor Livingston, whom they announced as their candidate for governor. Mr. Jay would gladly have retired from the contest, but the indignities which France was at this time heaping upon his country, and the probability that they would soon lead to war, forbade him to consult only his personal gratification. His fellow-citizens still claimed his services, and he resolved not to abandon the helm at a moment when the lowering clouds portended a storm.

No competitor could probably have been selected with whom he would have been more reluctant to contend than the chancellor. Ancient friendship and ancient associa-



tions must have rendered it peculiarly painful to him to find in his old companion and fellow-labourer a voluntary rival. But whatever may have been his reflections on the occasion, they were confined to his own bosom ; and nothing unkind towards his opponent escaped from his lips or his pen.

On the 2d of January, 1798, the governor opened the session of the Legislature with a speech which, as usual, was chiefly confined to topics of local interest. There was one passage, however, which marked his reverence for religion. "There is," he observed, "much reason to regret that more respect is not generally paid to the injunctions of the act relative to Sunday. If the Sabbath be, as I am convinced it is, of Divine appointment, this subject ought not to be regarded with indifference."

The answers of both Houses were respectful, and a promise was given that the suggestion relative to the Sabbath should engage their attention. The subject in the lower House was referred to a special committee ; and their report is interesting, as showing that it was not then supposed to be inconsistent with the principles of either civil or religious freedom, to guard the Sabbath from profanation by legal enactments.

"The committee to whom was referred that part of his excellency's speech relative to the observation of the Sabbath, report—that the committee being impressed with this solemn truth, that righteousness exalteth a nation, and that sin is a reproach to any people ; and also considering the positive command of the Supreme Lawgiver, **REMEMBER THE SABBATH TO KEEP IT HOLY**, as being a moral duty binding upon all men ; and also viewing with sincere regret the frequent and open violation of the Sabbath,—they are of opinion that the law respecting the Sabbath ought to be so altered as to prevent the profanation thereof, at least so far as such practices tend to disturb the peace and good order of civil society ; and they have prepared a bill for that

purpose, entitled 'An Act to prevent the profanation of the Sabbath,' which they ask leave to bring in."

This bill, in its progress through the House, was supported by a very large majority, including the leading men of both parties, and it became, with some alterations, a law of the State.

The bill for the abolition of slavery was brought forward for the third time. The opposition to it in the lower House was vigorous; and an attempt was made to destroy the bill by adding to it a clause, providing for the remuneration of the owners of manumitted slaves. The attempt failed, and after much delay and discussion, the bill was carried by a majority of twenty-six votes. But the triumph was incomplete, as the bill had yet to pass the ordeal of the Senate, and in that body it was rejected.

In the month of April of this year, the election for governor was held. The democratic party made great efforts to place Chancellor Livingston in the chair of state, but Governor Jay was re-elected by a large and greatly increased majority.

The foreign relations of the United States continued to wear a threatening aspect. The insults of the French Directory, and their depredations upon American commerce, had now proceeded to such lengths as in the opinion of many to render war inevitable. Under these circumstances, the governor thought it proper to issue his proclamation, convening the Legislature, in order that the necessary measures for the security of the city and State of New-York might be taken without delay.

General Washington had already, in anticipation of a war with France, accepted the situation of commander-in-chief of the American army. In reference to this appointment, he remarked in one of his letters, "The principle by which my conduct has been actuated through life would not suffer me, in any great emergency, to withhold any services I could render, when required by my country, espe-

cially in a case where its dearest rights are assailed by lawless and intoxicated power, in contempt of justice, and in violation of solemn compacts, and of laws which govern all civilized nations; and this too with the obvious intent to sow thick the seeds of disunion, for the purpose of subjugating our government, and destroying our independence and happiness."

The opinion thus expressed by Washington, of the conduct of France, was entertained by a large proportion of his countrymen: the pulse of the nation beat high for war; and the popular sentiment of the day—"Millions for defence, not a cent for tribute," truly expressed the feelings of the people. Patriotic addresses from public meetings to the constituted authorities were frequent, and manifested a firm resolution to maintain the honour and rights of the country. The following address and answer will help to show the spirit of the times.

*Address of the Inhabitants of Washington County, convened at Hartford, by Public Notice, on the 9th of August, 1798.*

"TO HIS EXCELLENCY JOHN JAY, ESQ.,

"Governor of the State of New-York.

"SIR,

"We cheerfully embrace this opportunity of congratulating you upon your re-election to the elevated office of first magistrate of this State; and we regard it a mark of discernment in our citizens, both pleasing and encouraging, that notwithstanding the false, the foul, and inflammatory publications industriously circulated to defeat their intentions, such a respectable majority of their suffrages should appear for one whose attachment to their liberties has been uniform, whose firmness in prosecuting them inflexible, and whose integrity in every part of his official conduct is unimpeachable.

"We are happy that, agreeably to that firmness which has uniformly marked your public conduct, you have this

day convened our Legislature to co-operate with the President of the United States, in concerting measures for our common defence.

“We humbly hope that they will cordially concur in every measure which your wisdom may deem useful and requisite.

“Peace we estimate as one of the most precious gifts of Heaven, and with heartfelt emotions of gratitude we adore the Ruler of nations for our long, uninterrupted enjoyment of it; but basely to pursue this blessing at the expense of our liberty is undutiful, not only to ourselves, but also to that benignant Deity who decreed that man should be free. The moment that an individual or a nation passively receives the insults of oppression, they sink from that elevation of character for which they were originally destined.

“Under the impressions of this great truth, while we express unlimited confidence in your wisdom and rectitude, we solemnly pledge ourselves, at the hazard of our *property* and *blood*, to support you in every laudable measure.

“Signed by order, and in behalf of the meeting,

“JOHN WILLIAMS, *Chairman.*”

“*To the Inhabitants of Washington County, who convened at Hartford, by Public Notice, on the 9th of August, 1798.*

“Albany, 16th August, 1798.

“GENTLEMEN,

“The address with which you have honoured me contains congratulations and assurances which I receive with gratitude. I view the conduct of the French Directory towards this country in the same light as you do; and observe with pleasure that your sentiments and resolutions respecting it are such as become Americans.

“It is worthy of consideration that we have no liberty to acquire, but much to preserve; we already possess all the liberty that men can have—the entire and perfect liberty of

governing ourselves. Every principle of honour and interest calls upon us to use this liberty wisely, and to unite in preparing to defend it with the like spirit and perseverance with which it was obtained. Accept my best wishes for the prosperity of your county, and that, as it bears the name, so may it also cherish the patriotism and other virtues which distinguish the illustrious WASHINGTON.

“JOHN JAY.”

On the 2d of August, the governor opened the session of the Legislature with a speech, in which, after taking a succinct view of the insidious and hostile policy of the French republic towards the United States, he referred to the precautionary measures taken by the general government, and to the duty of the Legislature to co-operate in them. “While security,” he remarked, “is the question, the expense of providing for it is a secondary consideration. It is to be regretted, that too many of our citizens seem to have inadvertently flattered themselves that, unlike all other people past or present, they were to be exempt from taxes. But, whatever difficulties, or differences of opinions, may exist or occur relative to our domestic expenses, it certainly becomes us unanimously and firmly to resolve that they shall not be increased by tribute or contributions to any foreign nation. The great Sovereign of the universe has given us independence, and to that inestimable gift has annexed the duty of defending it. We may be involved in a severe contest, but we have no reason to despair of success. The United States cannot be conquered but by civil discord under foreign dictation; and it is useful to recollect, that to this cause all fallen republics have owed their destruction. History will declare to future ages that the United States were as kind as a neutral nation could with justice be to the republic of France, in the day when her destiny was doubtful: it is to be hoped, that history will also declare, that when, in the day of her power,

France became tyrannical as well as triumphant, and had indecently required us to descend and take a place among her tributaries, the United States spurned her requisition, and maintained their dignity."

The sentiments of the governor were cordially reciprocated in the answers to his speech. For the moment, the voice of faction was drowned in a loud and vehement burst of indignation against the insulting cupidity of the French Directory; and the Legislature unanimously voted a patriotic address to the president, pledging the support of the State of New-York in his endeavours to maintain the rights and honour of the nation. They then passed an act, appropriating a large sum of money for the erection of fortifications and the purchase of arms, to be expended by the governor, and at his discretion. This law imposed a heavy responsibility upon the governor, but the prudence and fidelity with which he carried it into execution secured him from censure. The disbursement of the money he committed to his friend General Clarkson, in whose probity the public, as well as himself, had unlimited confidence. To General Hamilton, who was then inspector-general of the American army, was intrusted the superintendence of the works to be constructed for defence: and Mr. King, the American minister in London, was commissioned to purchase the necessary arms.

About this period an effort was made by several of the States to procure an alteration to the constitution of the United States, by which foreigners should be excluded from office. This effort was not successful; but Governor Jay, who had always approved the policy at which it aimed, suggested in the following letter a mode of effecting the object with less difficulty than by making a change in the constitution.

"TO TIMOTHY PICKERING.\*

"13th May, 1798.

"DEAR SIR,

"It is said that the Naturalization Act is to be revised and amended. Permit me to suggest an idea which I have for many years deemed important.

"We doubtless may grant to a foreigner just such a portion of our rights and privileges as we may think proper. In my opinion it would be wise to declare explicitly, that the right and privilege of being elected or appointed to, or of holding and exercising any office or place of trust or power under the United States, or under any of them, shall not hereafter be granted to any foreigner; but that the president of the United States, with the consent of the Senate, be nevertheless at liberty to appoint a foreigner to a military office.

"I am, dear sir,

"Your most obedient servant,

"JOHN JAY."

1799.] The Legislature, which had been summoned by the governor's proclamation, adjourned immediately after they had adopted the measures for which they had been convened, and met again at the usual time in January for the transaction of ordinary business.

The governor, as we have already seen, had declared many years before, that were he a member of the Legislature he would introduce a bill for the gradual abolition of slavery, and would never cease moving it till it became a law or he ceased to be a member. It seems to have been his determination, on becoming governor, that so far as his influence could effect it, such a bill, should be moved at every session till it was enacted into a law, or until he

\* Secretary of state.

ceased to be governor. Accordingly, at an early period of this session, the bill was introduced for the fourth, and happily for the last time. It was passed by a majority of ten in the Senate, and of thirty-six in the lower House. Probably no measure of his administration afforded him such unfeigned pleasure, and certainly none was more propitious to the morals, resources, and happiness of the State over which he presided.

As the first magistrate of the State, he felt it to be his duty to see that the laws were punctually and vigorously executed; and his official correspondence bears abundant testimony to his solicitude to discover and punish every contempt of legal authority. On two occasions where resistance was apprehended, he ordered into service such a body of troops as to compel instant and implicit obedience to the laws.

Having observed that frequent encroachments were made upon the highways, he issued a proclamation requiring the proper officers to prosecute the offenders. The following letters afford a pleasing instance of official vigilance and private benevolence.

“TO C. D. COLDEN.\*

“Albany, 4th Feb., 1801.

“SIR,

“At the distance of between two or three miles northerly from the court-house at Bedford, in the county of Westchester, Daniel Gregory, a blacksmith, has within a few years past erected a small dwelling-house, in which he lives, and also occupies a blacksmith's shop; both of which are built on the highway. He has been often called upon to remove them. Colonel Jesse Holly and Major Samuel Lyon of Bedford can give you particular information on the subject.

\* Assistant attorney-general.



"Be pleased to take, without delay, such legal measures as may be necessary to free the road from these intrusions.

"With esteem and regard, I am,

"Sir, your most obedient servant,

"JOHN JAY."

"TO C. D. COLDEN.

"Albany, 19th Feb., 1801.

"SIR,

"I wrote to you on the 4th instant to proceed against Daniel Gregory, who had built a dwelling-house, and has also a blacksmith's shop, on the highway, between two or three miles north from Bedford court-house. Being interrupted, I concluded that letter without observing, as I intended, that this man living near my farm, and this encroachment being under my eye whenever I go there, I could not reconcile it to my official duty to let it continue to pass unnoticed. I have frequently apprized him of the consequences. He said he had no place to move to. I offered to pay for any one acre of ground that he should buy, whatever might be the price not exceeding fifty dollars. I am ready to do this still, and I mention it to obviate what might otherwise, perhaps, be said, that I press too hard upon a poor man.

"With esteem and regard,

"I am, sir,

"Your most obedient servant,

"JOHN JAY."

The house alluded to was removed from the road, and with Mr. Jay's consent, placed upon his land, where the individual in question was permitted to reside for the remainder of his life free of rent.

The general aspect of public affairs had now become more propitious to the continued peace and prosperity of the country than for many years before. The British

treaty had gone into operation, and had been thus far faithfully observed ; and the partisans of France, despairing of involving the United States in a war with England, had directed their efforts to the preservation of peace with the sister republic. The atrocities which had marked the earlier days of that republic, and rendered it dangerous to all social order, had disappeared before a more regular government ; and its rulers had recently made overtures which had induced the president to institute a mission to France, which it was generally believed would result in a treaty of amity. Governor Jay beheld with pleasure the approach of a period when, without failing in the duties he owed his country, he could withdraw from her service into that retirement which had been so long the object of his desires. The term for which he had been elected would expire in the summer of 1801, and he resolved that his political life should terminate with it. He accordingly began in the latter part of this year to make preparations for erecting on his estate at Bedford, which he intended for his future residence, the buildings necessary for the accommodation of his family.

1800.] The meeting of the New-York Legislature shortly after the death of Washington afforded the governor an opportunity of paying a public tribute to his memory.

“ You will, I am persuaded,” said he, addressing the Legislature, “ join with me in regretting that the topic which naturally rises first into view on this occasion is the afflicting and unexpected death of that virtuous and great man who, both in the field and in the cabinet, in public and private life, attracted such an uncommon degree of merited esteem, confidence, and admiration. His memory will be cherished by the wise and good of every nation ; and truth, triumphing over her adversaries, will transmit his character to posterity in all its genuine lustre. His excellent example and excellent admonitions still remain with us, and happy will that people be whose leaders imitate the one and ob-

serve the other. But painful and important as our loss is, and difficult as it may be to restrain the effusions of our sensibility, yet it is to be recollected that the duties and business for which we are assembled have indispensable claims to our attention. Let us therefore proceed to fulfil those duties, and to do that business with the like laudable fidelity, circumspection, and diligence by which that real and eminent patriot was so greatly distinguished."

The Legislature, cordially concurring in these sentiments, testified their sense of the national loss by wearing mourning, and by resolving to observe the 22d February, the birthday of the departed patriot, "in a religious manner," by repairing in a body to church, and there engaging in such services as their chaplains should appoint.

This Legislature, as had been the case in every instance since the governor's first election, had a federal majority in both Houses, and the intercourse between the executive and legislative departments continued, as usual, harmonious.

The peculiar state of the federal party at this time rendered the result of the approaching spring election precarious, and of course the subject of much solicitude. The conduct of President Adams in dismissing several prominent and influential members of his cabinet, and sending a third mission to France, after the two former had been insultingly repelled, had the unfortunate effect of dividing and dispiriting his political friends, while it revived the hopes and quickened the exertions of the opposite party. To this cause is unquestionably to be attributed a return, at the April election, of a majority of democratic members to the New-York Assembly. The late Legislature had adjourned a few weeks before the election, and according to custom, the new Legislature was to assemble in November, for choosing electors preparatory to the ensuing presidential election. But in New-York the political year terminated on the 1st of July, and of course the late Legis-

lature retained all their authority till that day. These details will explain the proposal made in the following letter, which was received by the governor from one of the most distinguished and influential federalists in the United States.

“ TO JOHN JAY.

“ New-York, May 7th, 1800.

“ DEAR SIR,

“ You have been informed of the loss of our election in this city. It is also known that we have been unfortunate throughout Long Island and in Westchester. According to the returns hitherto, it is too probable that we lose our senators for this district.

“ The moral certainty therefore is, that there will be an anti-federal majority in the ensuing Legislature; and the very high probability is, that this will bring *Jefferson* into the chief magistracy, unless it be prevented by the measure which I shall now submit to your consideration, namely, the immediate calling together of the existing Legislature.

“ I am aware that there are weighty objections to the measure; but the reasons for it appear to me to outweigh the objections. And in times like these in which we live it will not do to be over-scrupulous. It is easy to sacrifice the substantial interests of society by a strict adherence to ordinary rules.

“ In observing this I shall not be supposed to mean, that any thing ought to be done which integrity will forbid; but merely that the scruples of delicacy and propriety, as relative to a common course of things, ought to yield to the extraordinary nature of the crisis. They ought not to hinder the taking of a legal and constitutional step to prevent an atheist in religion, and a fanatic in politics, from getting possession of the helm of State.

“ You, sir, know in a great degree the anti-federal party; but I fear you do not know them as well as I do. 'Tis a

composition, indeed, of very incongruous materials ; but all tending to mischief,—some of them, to the overthrow of the government by stripping it of its due energies ; others of them, to a revolution after the manner of *Bonaparte*. I speak from indubitable facts, not from conjectures and inferences. In proportion as the true character of the party is understood, is the force of the considerations which urge to every effort to disappoint it ; and it seems to me that there is a very solemn obligation to employ the means in our power.

“The calling of the Legislature will have for object the choosing of electors by the people in districts ; this (as Pennsylvania will do nothing) will ensure a majority of votes in the United States for a federal candidate. The measure will not fail to be approved by all the federal party ; while it will no doubt be condemned by the opposite. As to its intrinsic nature, it is justified by unequivocal reasons of *public safety*.

“The reasonable part of the world will, I believe, approve it. They will see it as a proceeding out of the common course, but warranted by the particular nature of the crisis and the great cause of social order.

“If done, the motive ought to be frankly avowed. In your communication to the Legislature, they ought to be told that temporary circumstances had rendered it probable that, without their interposition, the executive authority of the general government would be transferred to hands hostile to the system heretofore pursued with so much success, and dangerous to the peace, happiness, and order of the country. That under this impression, from facts convincing to your own mind, you had thought it your duty to give the existing Legislature an opportunity of deliberating whether it would not be proper to interpose and endeavour to prevent so great an evil, by referring the choice of electors to the people distributed into districts.

“In weighing this suggestion, you will doubtless bear in

mind that popular governments must certainly be overturned, and while they endure prove engines of mischief, if one party will call to its aid all the resources which vice can give; and if the other (however pressing the emergency) confines itself within all the ordinary forms of delicacy and decorum.

“The Legislature can be brought together in three weeks, so that there will be full time for the object; but none ought to be lost.

“Think well, my dear sir, of this proposition—appreciate the extreme danger of the crisis; and I am unusually mistaken in my view of the matter, if you do not see it right and expedient to adopt the measure.

“Respectfully and affectionately, yours.”

On this letter is the following endorsement in the governor's hand: “Proposing a measure for party purposes, which I think it would not become me to adopt.”

Mr. Jefferson was elected president by a majority of only nine votes, although he received twelve from the electoral college of New-York. Had the New-York electors been chosen in as many districts, instead of being appointed by the Legislature, it is by no means improbable that at least five districts would have returned federal electors, and thus ensured the election of Mr. Adams. But although Governor Jay sincerely desired the re-election of Mr. Adams, he could not consent to exercise for the benefit of a favourite candidate, prerogatives which had been intrusted to him solely for the good of the whole. His political enemies were however less scrupulous in the means *they* employed to effect their purposes. Of the truth of this remark, the following letter is a striking proof:—

“ TO HENRY VAN SCHAAK.

“ Albany, 23d September, 1800.

“ DEAR SIR,

“ Mr. Beers, in compliance with your request, has delivered to me an extract from the Albany Register, of the 15th of last month, which contains the following erroneous statement of the expenses incurred by the United States for negotiating the treaty with Great Britain, viz :

“ Mr. Jay, for his outfit to make the treaty,	\$18,000	00
‘ For his passage to Europe,	-	- 3,708 52
‘ To pay incidental expenses,	-	- 10,000 00
‘ To do. in negotiating the treaty,	-	- 5,000 00
‘ To get papers of captures,	-	- 16,012 83
		<hr/> \$ 52,721 35

“ This statement is not a new one ; it appeared in Greenleaf’s paper in March, 1797. It is calculated, and doubtless was designed to impress an opinion that the administration of President Washington was too prodigal of the public money in the negotiation with Great Britain, and that I derived extravagant emoluments from it.

“ Calumny, my dear sir, has been an engine of party in all countries, and particularly in elective governments. It is an evil which, originating in the corruption of human nature, is without remedy, and consequently is to be borne patiently. The esteem of the wise and good is valuable, and to acquire and preserve it, is all that ambition ought to aim at.

“ As to the statement in question, you are desirous to know exactly how far it deviates from the truth ; and to gratify this desire, I will give you a concise and accurate state of the facts.

“ Being at Philadelphia on official business, in May, 1794, President Washington desired me to go as envoy to Great Britain. I earnestly endeavoured to fix his attention elsewhere ; but he persevered, and I found it impossible to reconcile it with my duty to persist in declining the appointment. Circumstanced as I was, and aware of the nature

of the business, of the temper of the times, and of the union of certain interests against any amicable settlement with Great Britain, personal considerations opposed my undertaking the task. When I finally yielded to the president's request, I told him that I declined any compensation for my services—that my necessary and actual expenses only should be paid; but that my stated salary as chief justice must be continued. A vessel in ballast was chartered to carry me to England, for you will recollect that an embargo was then in operation; but in contracting or paying for this vessel, I had no agency.

“The secretary of state gave me a bill for eighteen thousand dollars, towards the expenses of the mission, and for which I was to account. All my expenses of every kind as envoy to Great Britain, including the salary of my secretary, the expense of my passage home, and £63 sterling paid in counsel fees respecting capture cases, amounted to the sum of twelve thousand dollars and thirty-six cents; which being deducted from the before mentioned eighteen thousand dollars, left in my hands a considerable balance due to the United States.

“This balance I accounted for, and settled with the treasury in the following manner, viz:

“By cash advanced to an American gentleman in the service of the United States, and whose account with the public was charged with it by the treasury, - -	\$233 33
--	----------

“By amount of my order on the banker in favour of Mr. Pinckney, who was then the American minister at London, towards a fund for expenses respecting capture cases, to be accounted for by him with the treasury, -	5,270 22
---	----------

“By cash paid by me to the treasurer, -	496 09
---	--------

---

5,999 64

12,000 36

---

\$18,000 00



“These facts are verified by the treasury report of the account between the United States and me, marked No. 7373; by the auditor’s report marked No. 8330, on which is endorsed the comptroller’s certificate; and by the register’s certificate of the final settlement of the account.

“With sentiments of esteem and regard,

“I am, dear sir,

“Your most obedient servant,

“JOHN JAY.”

On the 4th of November the new Legislature convened for the appointment of electors. The governor, in his speech, confined himself to local topics, and the majority in the Assembly were unable to find in it a pretext for treating him with disrespect; but the answer was cold and formal. The speech was followed by a message respecting fortifications, in which the governor took occasion to allude to “the patriotic zeal and important services of the president.”

“TO JOHN ADAMS.

“[Private.]

“Albany, 10th November, 1800.

“DEAR SIR,

“Still pressed by public business, occasioned by the late session, I take up my pen to write you a few lines before the mail closes.

“It very unexpectedly happened that the anti-federal party succeeded at the last election in the city of New-York, and acquired a decided majority in the Assembly. Well knowing their views and temper, it was not advisable that the speech should contain any matter respecting national officers or measures which would afford them an opportunity of indulging their propensity to do injustice to both in their answer.

“But the next morning after the delivery of the speech, and before they proceeded to the appointment of electors,

I sent them a message (and it is not usual to return any answers to such messages), in the latter part of which I expressed sentiments which leave no room for your political enemies to draw improper inferences from the reserve observable in the speech. The respect due to myself as well as to you, forbade me to remain silent on a subject and on an occasion so highly interesting ; and I flatter myself it will be agreeable to you to perceive from these circumstances, and to be assured, that I still remain and will remain,

“ Dear sir, your sincere and faithful friend,

“ JOHN JAY.

“ P. S. Just on closing this letter, a newspaper, which I enclose, came in. It contains a copy of the message.”

“ TO JOHN JAY.

“ Washington, November 24, 1800.

“ DEAR SIR,

“ I received last week your friendly private letter of the 10th. The assurance of the continuance of your friendship was unnecessary for me, because I have never had a doubt of it. But others invent and report as they please. They have preserved hitherto, however, more delicacy towards the friendship between you and me than any other.

“ The last mission to France, and the consequent dismissal of the twelve regiments, although an essential branch of my system of policy, has been to those who have been intriguing and labouring for an army of fifty thousand men, an unpardonable fault. If by their folly they have thrown themselves on their backs, and Jacobins should walk over their bellies, as military gentlemen express promotions over their heads, who should they blame but themselves ?

“ Among the very few truths in a late pamphlet, there is one which I shall ever acknowledge with pleasure, viz. that the principal merit of the negotiation for peace was Mr. Jay's.

"I wish you would permit our Historical Society to print the papers you drew up on that occasion.

"I often say that when my confidence in Mr. Jay shall cease, I must give up the cause of confidence and renounce it with all men.

"With great truth and regard, I am now, and ever shall be,

"Your friend and humble servant,

"JOHN ADAMS."

The session of the Legislature had collected at Albany a large number of federalists from different parts of the State, and the opportunity was embraced to ascertain the sentiments of the party, as to the person proper to be supported for governor at the ensuing election. It was found to be the desire of all that the present incumbent should continue in the chair, and a committee was appointed to wait upon him, and solicit his consent to a nomination.

"TO RICHARD HATFIELD,

"Chairman of Federal Meeting, &c. &c.

"Albany, 8th November, 1800.

"SIR,

"Being engaged with company this evening when the committee appointed by the respectable meeting of citizens from various parts of the State, of which you was chairman, presented to me their address, I could only return them a verbal answer. But it appears to me proper to answer it in writing, as well to evince my respect, as that my sentiments on the subject may be the better ascertained.

"In the sincerity of the assurances with which they honour me, I have perfect confidence. They have heretofore been verified by uniform manifestations of esteem and attachment, which I shall always remember with grateful sensibility.

"The period is now nearly arrived at which I have for many years intended to retire from the cares of public life,

and for which I have been for more than two years preparing ; not perceiving, after mature consideration, that any duties require me to postpone it, I shall retire accordingly. But I retain and cherish the warmest affection for my country, as well as the esteem which I entertain for many, and the good-will which I bear to all my fellow-citizens.

“On this occasion various reflections crowd into my mind ; but I doubt the utility, under existing circumstances, of expressing them. Time and experience will correct many errors which ought not to have been introduced into public opinions. What the price of that experience may be cannot be foreseen.

“They who are convinced that our constitutions ought to be maintained inviolate, and that the rights of persons and of property cannot be preserved without government constituted with power and administered with determination to secure them, will steadfastly oppose whatever may have a contrary tendency.

“It is not to be expected that parties will never be intemperate. But overbearing intemperance or violence in individual leaders ought neither to appal nor inflame good citizens. On the contrary, such violations of propriety should be met with temper and moderation, as well as with increased union and firmness.

“I declare to you explicitly that in my opinion we ought to resist innovation, to adhere to our constitutions and governments, to give them a fair trial, and to amend them from time to time according to the dictates of experience, and not according to the views of demagogues or the visions of theorists.

“I have the honour to be, with great respect, sir,

“Your most obedient servant,

“JOHN JAY.”

On the 19th of December, Governor Jay was appointed by the president and Senate, chief justice of the United States.

“ TO JOHN JAY.

“ Washington, Dec. 19th, 1800.

“ DEAR SIR,

“ Mr. Ellsworth, afflicted with the gravel and the gout, and intending to pass the winter in the south of France, after a few weeks in England, has resigned his office of chief justice, and I have nominated you to your old station. This is as independent of the inconstancy of the people as it is of the will of a president. In the future administration of our country, the firmest security we can have against the effects of visionary schemes or fluctuating theories, will be in a solid judiciary ; and nothing will cheer the hopes of the best men so much as your acceptance of this appointment. You have now a great opportunity to render a most signal service to your country. I therefore pray you most earnestly to consider of it seriously, and accept it. You may very properly resign the short remainder of your gubernatorial period, and Mr. Rensselaer\* may discharge the duties. I had no permission from you to take this step, but it appeared to me that Providence had thrown in my way an opportunity, not only of marking to the public the spot where, in my opinion, the greatest mass of worth remained collected in one individual, but of furnishing my country with the best security its inhabitants afforded against the increasing dissolution of morals.

“ With unabated friendship, and the highest esteem and respect,

“ I am, dear sir, yours,

“ JOHN ADAMS.

“ P. S. Your commission will soon follow this letter.”

The governor's determination to retire from public life had been formed with too much deliberation and sincerity,

\* The lieutenant-governor.

to be shaken by the honour now tendered to him, and the appointment was promptly and unequivocally declined.

1801.] The election of Mr. Jefferson transferred the administration of the federal government from the party by whom that government had been reared and cherished to those who had endeavoured to stifle it in its birth, and had ever since laboured to restrain its activity and energy. The federal party throughout the United States now found themselves in a minority for the first time since 1789, and Governor Jay embraced an opportunity which soon occurred of pointing out the conduct which, in his opinion, it became the party to adopt under the new circumstances in which it was placed.

To an address from a federal meeting in New-York, regretting his intended retirement, and assuring him of their grateful sense of his services and their veneration for his character, he returned the following reply :

“ TO THE COMMITTEE OF THE FEDERAL FREEHOLDERS  
IN NEW-YORK.

“ Albany, 27th January, 1801.

“ GENTLEMEN,

“ I have received the letter which you did me the honour to write on the 15th, enclosing a copy of a resolution of the federal freeholders of the city of New-York of the 13th instant. Permit me, through you, to assure them of the high sense I entertain of the honour they have done me by the sentiments respecting my public services, which are expressed in that resolution ; and be pleased, gentlemen, to accept my warmest acknowledgments for the friendship and attachment which your letter evinces.

“ Considering the relations in which I have stood to those of my fellow-citizens who are denominated federalists, I take the liberty of submitting to their consideration a few remarks.

“ It is an agreeable circumstance, that the prosperity of

our country, since the institution of the present government, justifies the support and confidence we have given to those by whom it has hitherto been administered. But general prosperity does not invariably produce general content; nor will public opinion, perplexed by the different lights and shades in which men and measures are often placed and seen, always remain steady and uniform.

“These observations are confirmed by events of no inconsiderable importance, which have recently occurred. They place us in a new situation, and render it proper for us to consider what our conduct under it should be. I take the liberty, therefore, of suggesting whether the patriotic principles on which we profess to act, do not call upon us to give (as far as may depend upon us) fair and full effect to the known sense and intention of a majority of the people, in every constitutional exercise of their will; and to support every administration of the government of our country which may prove to be intelligent and upright, of whatever party the persons composing it may be.

“With the best wishes for the happiness of your constituents, and with great personal respect and regard for yourselves,

“I have the honour to be, gentlemen,

“Your obliged and obedient servant,

“JOHN JAY.”

So far as a frank avowal and a conscientious and inflexible adherence to the principles of his party constitute a party man, no federalist had a better title to that designation than Governor Jay; yet we see from the above letter how little he was disposed to countenance a mere factious opposition to the constituted authorities.

It will be recollected, that in his first speech to the Legislature, he recommended their interference to remove an alleged ambiguity in the constitution, relative to the governor's exclusive right of nomination in the council of

appointment. The advice was unfortunately not followed. For five successive years the members of the council had acceded to the governor's construction of the constitution; but a political revolution had just occurred, and those who had aided in effecting it were now eager to enjoy the fruits of victory. It was foreseen, that should the governor persist in claiming the right of nomination, the public patronage would continue to flow in its accustomed course, instead of being diverted into the desired channels. Hence timely efforts were made to induce him to yield to the views of the now dominant party. Intimations were given to him that, as the new council would be opposed to him in politics, they would not submit to his exclusive nomination, but would themselves assume the right of making such appointments as they thought proper; and that, should he attempt to thwart them, he would involve himself in a great deal of useless trouble. He simply replied, that his duty was plain, and, as to the consequences which might result from its discharge, he had nothing to do with them.

The Assembly, as had been expected, elected a democratic council, and this council resolved to make appointments independent of the governor's nomination. During the administration of Governor Clinton a similar attempt had once been made, and with success, the governor contenting himself with entering a protest on the minutes of the council. The present council probably expected that Governor Jay would pursue a similar course; but the sequel proved that they misunderstood his character.

In the month of February, the governor summoned the council, and nominated to them, for certain vacant offices, a great number of individuals, who were, in succession, rejected by the council, till at last they refused even to vote on his nominations, and proceeded themselves to nominate candidates. In this stage of the proceedings, and before a question had been taken on these irregular nominations, he adjourned the council. The council could not meet



unless convened by the governor, and he resolved not to summon them again; and to incur the responsibility of leaving many important offices unfilled, rather than sanction a violation of the constitution.

In this emergency, he sent a message to the Legislature, reminding them of the suggestion he had made on this subject at the commencement of his administration, and informing them of the recent occurrences. The message concluded as follows:

“While I think and believe, as I most sincerely do, that the right of nomination is vested by the constitution exclusively in the governor, it ought not, and I am persuaded it will not be expected that I should, by conceding this right or power to any member of the council, violate my oath to administer the government to the best of my knowledge, in conformity with the powers delegated to me by the constitution. Many appointments exceedingly interesting to the public ought soon to be made; but while those gentlemen persist in the course of proceeding which they have adopted, that business must necessarily remain subjected to impediments not in my power to obviate or remove. I therefore submit to your consideration, whether it has not become indispensable that the merits of these opposite and interfering claims to the right of nomination should be ascertained and decided without delay. In whatever constitutional way, whether by a declaratory statute or by judgment of law, a decision may be made, and whether it should or should not correspond with the opinion I have expressed, I shall certainly acquiesce in and regulate my conduct by it.”

The Senate approved of the governor's construction of the constitution, and were ready to concur in measures for deciding the question, but the Assembly thought proper to resolve that they could not interfere in any manner whatever. It was probably hoped, that the governor would ultimately shrink from the responsibility of subjecting the State to the embarrassments which his present course

would necessarily occasion. Some idea may be formed of the extent of that responsibility from the fact, that the whole civil commissions of eleven counties, and of the mayors of four cities, had expired. The expectants of the victorious party, moreover, became clamorous for their promised rewards, and the governor's firmness alone prevented them from seizing upon every office in the gift of the council. It may readily be supposed, that under these circumstances, no pains were spared to intimidate the governor, by exciting against him the complaints and reproaches of the party. But all attempts of this sort proved unsuccessful, and no appointments were made during the remainder of his term.

In the council were included two popular leaders of the democratic party, and it became a point of honour with the party to support them in the course they had taken. Every proposition therefore for settling the question, which could possibly lead to a decision favourable to the governor's views, was promptly rejected by the Assembly. Towards the close of the session, when it became apparent that he could not be driven from his ground, an act was passed calling a Convention to revise certain parts of the constitution, and among them, that relating to the council of appointment. In this Convention, which did not assemble till after the governor had retired from office, the democratic party obtained a majority; and it was decided that the right of nomination was vested equally in the governor and each member of the council. Seldom has a party measure been attended with results less expected or desired by its authors than this. The governor, by being deprived of his patronage and responsibility, was reduced almost to a mere cipher in the government, while the political power of the State was wielded for the time by the four senators who composed the council. These senators were annually selected by the prevailing party in the Assembly, and were in general the mere tools of popular

leaders; their subserviency being the only qualification required. To this irresponsible and transitory council was committed the distribution of nearly all the offices of the State; and hence the possession of this council became the great object of contending parties. While the nomination continued solely with the governor, the persons appointed by him held their offices at least till the end of his term of service; but under the new arrangement, all the officers, with the exception of a few whose tenure was independent of the council, were changed with every fluctuation of party; and it frequently happened, that in the course of twelve or fourteen months, the same office would be filled by three successive incumbents. Mr. Clinton was a prominent member of the council which contested Mr. Jay's exclusive nomination: he afterward became governor, and presided for many years with distinguished ability. Several times during his administration, the party opposed to him had the preponderance in the Assembly, and of course selected the council; and he had the mortification of seeing his friends removed from office, and of being compelled to grant commissions to his most inveterate enemies. The same fate befell his predecessor, Governor Tompkins.

In 1822, another Convention was called to revise the constitution; and so odious had the council of appointment become to the people, as a mere engine of intrigue and corruption, that it was abolished with universal consent. The appointing power was somewhat distributed, but a large portion of it was again vested in the governor, subject to the approval of the Senate; and thus, after the experience of many years, was the principle contended for by Mr. Jay sanctioned by the public.

In the month of May the governor removed from Albany to his estate at Bedford, about six weeks before the expiration of his term of office. On his departure, the corporation of Albany, as a mark of their esteem, presented him with the freedom of the city, accompanied by an affectionate valedictory address.

## CHAPTER XII.

1801-29.

Mr. Jay retires to Bedford—His Occupations and domestic Habits—Letter to Trinity Church—His Opinion of the War of 1812—Elected President of the American Bible Society—His Correspondence with the Corporation of New-York—His Illness and Death—Character.

FEW statesmen ever had less reason to be disgusted with public life, or ever quitted it with more real satisfaction, than Mr. Jay. For twenty-seven years he had been unremittingly engaged in the service of his country, and had filled many of her most important offices with general approbation. The honours conferred upon him had been a spontaneous tribute to his worth; for he has been heard to say that in the whole course of his life he had never asked for a vote or an office. His political friends had supported him with zeal and constancy; and he enjoyed to the last the unlimited confidence of the party with which he had acted. The purity of his private character was not only unimpeached, but was universally acknowledged and respected; the success of his public measures afforded only a grateful retrospect; and at the very moment of his retirement a station of high dignity and confidence was offered to his acceptance. When he withdrew from the public theatre, age had not rendered him insensible to its plaudits, or unable longer to command them. He was in his 56th year, and although he sought a life of tranquillity, it was one of active industry.

To many of his friends his retirement was a matter of astonishment, and still more his seclusion from the busy world in the sequestered spot he had chosen for his resi-

dence. Their surprise was owing to their imperfect acquaintance with his motives of action. He had indeed early devoted himself to the cause of his country, but it was not to enjoy her honours or to share her power. He sought not the glory which cometh from man, and the only power of which he was covetous was the command of himself. He served his country from obedience to what he believed the will of his Maker ; and when in his opinion that will no longer denied him the enjoyments of private life, he embraced them with eagerness and gratitude. Alluding in a letter to his late appointment of chief justice, he remarked, that after much deliberation, he had come to the conclusion " that his duty did not require him to accept it."

But although the period had now arrived which he had earnestly desired, he found it attended with privations and anxieties.

His estate at Bedford, which had descended to him from his ancestors, had long been occupied only by tenants, and was in a neglected and dilapidated state. His public avocations had prevented him from making such repairs and improvements as comfort required ; and the mansion he had recently commenced was still incomplete. Mrs. Jay's health was too feeble to permit her to encounter the inconveniences to which an immediate removal to Bedford would expose her, and Mr. Jay left Albany accompanied only by one of his daughters, and proceeding to his farm, took possession of his unfinished house. In a letter to Mrs. Jay, a month after his arrival, he observed : " The noise and hurry of carpenters, masons, and labourers in and about the house are inconveniences to be submitted to, but not to be chosen by convalescents or invalids. When our buildings are finished, and things put in order, there will be an end of many disagreeable embarrassments. I hope, before the conclusion of the year, we shall all be together again. Except going to meeting on Sundays, I have not been even *once* from home since I came here. I find myself engaged

by and in the business now going on, from morning till night." His residence was in a quiet and retired part of Westchester county, fifty miles from the city of New-York. The post-road, on which a mail was then carried to and from the city once a week, passed within three miles of his house. In this secluded situation he had scarcely any society but that of his own family and a few immediate neighbours. It might be supposed that so sudden and total a change of life would have induced weariness and inaction; and that a mind which for more than the fourth of a century had been incessantly occupied with momentous concerns, would have found the details of domestic and agricultural arrangements insufficient to engage its attention. But his fondness for rural pursuits, together with the condition of his estate, furnished him with constant and agreeable employment.

After the lapse of a few months, Mrs. Jay found her health sufficiently restored to permit her to rejoin the family at Bedford. A large portion of her life had been unavoidably passed in the gay and fashionable world, and she now bade it a final adieu, not only without regret, but with unfeigned satisfaction. Shortly after her arrival at Bedford, in a letter to a friend describing her new residence, she remarked: "I can truly say I have never enjoyed so much comfort as I do here." It was however the will of Providence that this comfort should soon be exchanged for that pure and enduring bliss which had through life been the object of her faith and prayers. In less than twelve months after her removal to Westchester, she was seized with a severe illness, which in a few days terminated fatally. Mr. Jay, calm and collected, was watching by her side when she expired. Immediately on perceiving that the spirit had taken its flight, he led his children, who were with him, into an adjoining room, and with a firm voice but glistening eye, read to them the fifteenth chapter of First Corinthians; thus leading their thoughts to that day when the lifeless but

beloved form they had just left would rise to glory and immortality.

The unexpected breach made in the little circle at Bedford was painfully aggravated by the subsequent long, but unavoidable, separation of most of the children from their surviving parent. For several years after, Mr. Jay had rarely more than one of his family with him at a time. But his trials were borne with patient submission to Him by whom they were sent, and were not permitted to interrupt the performance of any of his accustomed duties.

The following extracts from his correspondence about this time throw light upon his character.

“My time passes as agreeably as (all circumstances considered) I could reasonably expect ; so that I am not only contented, but thankful for my situation . . . . . I ought to have written to you long ago, but a series of occurrences have for two years left me but little leisure for epistolary correspondence. I allude to Mrs. Jay’s long and painful illness, and (when she appeared to be fast recovering) her unexpected death ; the vicissitudes in my own health ; the removal of my family to this place, and the many things to be done for their accommodation ; the gradual indisposition of my son, who is now on the ocean, going to Italy to avoid the winter here, &c. These are afflicting circumstances ; but considering where and what we are, troubles of one kind or other are to be expected, and to be borne with patience and resignation. My expectations from retirement have not been disappointed ; and had Mrs. Jay continued with me, I should deem this the most agreeable part of my life. The post, once a week, brings me our newspapers, which furnish a history of the times. By this history, as well as by those of former times, we are taught the vanity of expecting, that from the perfectability of human nature and the lights of philosophy the multitude will become virtuous and wise, or their demagogues candid and honest.”

. . . . . “Being retired from the fatigues and restraints

of public life, I enjoy with real satisfaction the freedom and leisure which has at length fallen to my lot. For a long course of years, I had been looking forward with desire to the tranquil retirement in which I now live, and my expectations from it have not been disappointed. I flatter myself that this is the last inn at which I am to stop in my journey through life. How long I shall be detained in it is uncertain; but I rejoice in the prospect and probability of my being permitted to pass my remaining time in a situation so agreeable to me.

“Do not conclude from this that I am without cares and anxieties. Exclusive of those which are more or less common to all men, I have an excellent son, who has been obliged by hectic complaints to relinquish business, and to pass two winters abroad. I hope he will recover his health; but until all doubts are removed some solicitude will remain. The truth is, that although in numerous respects I have abundant reason to be thankful; yet in others I experience the necessity and value of patience and resignation.”

..... “As to myself, both gratitude and resignation have strong claims to my attention. To find myself at this period of my life, and after so many years spent in affairs which naturally caused solicitude, placed by Providence in my present tranquil, comfortable situation, is particularly grateful to my feelings. Within a year after my removal to this place, I lost my faithful and affectionate wife—I feel her absence. I have five children, and abundant reason to be thankful for them all. My eldest son has for several years been struggling with pulmonary complaints, and a valuable son-in-law has long continued so much indisposed that his recovery is not certain. To *you*\* it will be an obvious reflection, that checkered scenes belong to a state of probation; and that being here as birds on their passage, this is not the proper place for us to build our nests.”

\* Mr. Wilberforce.



“Accept my thanks for your friendly letter of the 10th inst., and for the papers you were so obliging as to send me, and which I assure you did not ‘intrude on my retirement.’ When I withdrew from public life, I carried with me the same cordial attachment to the honour and welfare of our country by which I had uniformly been actuated. From early youth it was my desire and intention to live in the country as soon as prudence and propriety would permit me. I rejoiced when that period arrived, and having since lived very much as I had long wished to live, my retirement has afforded me no reasons for regret.

“Knowing, both from history and experience, that men and other creatures will generally act according to their real characters, I have met with few disappointments in that respect. The esteem of the estimable is certainly of great value, but the transient praise of the multitude, like feathers blown on and off by the passing breeze, can weigh but little. Popular fluctuations resemble those of the ocean, and they both depend on wind and weather, and are too natural and common to afford much matter for surprise or irritation. Republics are frequently to be pitied rather than blamed, when, mistaking demagogues for patriots, they suffer from the demerit of those they appoint to manage the public affairs.

“The proprieties attached to a situation like mine assign certain limits to active interference in political concerns. I attend every election, even for town officers, and, having delivered my ballot, return home without having mingled in the crowd or participated in their altercations. In this town, however, elections cause but little dispute, the great majority having been firm whigs during the war, and decided federalists since the new constitution.

..... “As to what you have heard of my being very retired, it is to a certain degree true. The fact is, that I live very much as I have long wished to do. I have a pleasant situation, and very good neighbours. I enjoy peace, and a

competency proportionate to my comforts and moderate desires, with such a residue of health as, while it constantly whispers "*memento mori*," still permits me to see my friends with cheerfulness and pleasure.' The burden of time I have not experienced. Attention to little improvements, occasional visits, the history which my recollections furnish, and frequent conversations with the 'mighty dead,' who, in a certain sense, live in their works, together with the succession of ordinary occurrences, preserve me from *ennui*. They who really endeavour to 'grow wiser and better as their years wear away' feel little temptation to permit the fable of the countryman and his ass to be applicable to them. So much respect only is due to the dictums of the day as they may be worth ; every thing beyond it is *vox et præterea nihil*. Party feuds give me concern ; but they seldom obtrude upon me."

Mr. Jay, finding on his removal to Bedford no Episcopal church in the vicinity, constantly attended the one belonging to the Presbyterians ; nor did he scruple to unite with his fellow-Christians of that persuasion in commemorating the passion of their common Lord. His catholicism, however, did not diminish his attachment to his own denomination. He was instrumental in erecting an Episcopal church in Bedford, and was, during the rest of his life, a generous benefactor to it, and, by his will, left a liberal annuity to its pastor. His reluctance to hold any office led him to decline a seat in the vestry of this church, but his advice and aid were frequently asked and cheerfully given. Some matters of business requiring a communication to the vestry of Trinity church, in the city of New-York, he was requested to prepare it ; and he took the opportunity of addressing to that powerful and influential corporation some remarks on topics which he regarded as deeply interesting to the church at large. The draught was cordially approved and adopted by the Bedford church. As this document exhibits the writer's views on certain points which have divided the

opinions of Episcopalians, and evinces the same inflexible opposition to assumed authority in the church which he had so illustriously displayed to usurpations in the State, we are induced to give the following extracts :

“ Permit us now to request your attention to a subject of more importance : it affects us all. You will recollect that Mr. Streebeck, in his letter respecting our call, mentioned his expectation of being *inducted*, according to the forms of what is called ‘ the office of Induction.’

“ At that time we knew so little of that paper as to be unable to say any thing decided to him about it ; we afterward procured and considered it. To us it appeared to be liable to objections so manifest and so insuperable, as that we never could consent to have a minister inducted into our church in that way.

“ That office of induction ought not, in our opinion, to be permitted to glide silently into operation, and acquire claims to obedience from successive instances of unguarded acquiescence. Whether that instrument is with or without precedent in the Christian church, or by whom or for what purposes it was devised, are questions on which we make no remarks. Amid the prayers and piety by which it is decorated, are to be found unconstitutional assumptions of power, accompanied with a degree of parade and pageantry which, however conducive to other objects, have no natural connexion with the mere business of induction. We believe that episcopacy was of apostolic institution, but we do not believe in the various high church doctrines and prerogatives which art and ambition, triumphing over credulity and weakness, have annexed to it.

“ By the office of induction, the bishop is to give a formal commission, under his episcopal seal and signature, to the minister, whom the corporation had called and engaged to be their rector ; giving and granting to him the bishop’s

license and *authority* to perform the office of a priest of that parish.

“We believe that every Episcopalian priest, ordained according to the rules of our church, has, in virtue of that ordination, good right and authority to preach the gospel, and perform divine service in any parish; but we admit the propriety of being restrained by the bishop from calling and settling any other than an Episcopalian minister so ordained and of fair character. We therefore think it fit that the bishop’s approbation on those two points should precede a call. We believe that we have a right to contract with and employ any such minister to be our rector; and that such contract is the only valid and proper commission which he can have to be our particular minister or rector.

“We believe that both we and such minister have good right to make such a contract; that when made it is a civil contract; and that the Convention have no authority to divest either priest or laymen of their right to make it.

“By the office of induction and the commission directed by it, the *bishop* does induct the minister into the parish, and does ordain that he shall claim and enjoy all the accustomed temporalities appertaining to his cure.

“We believe that the induction of a priest into a parish is neither more nor less than giving him the key of the church, and putting him in possession of such houses, tenements, and lands, as he is entitled, by his contract with the corporation, to occupy and enjoy. This is a business which can lawfully be done only by the proprietors, nor can we perceive the least shadow of right in the bishop or in any other person to meddle with it.

“As the bishop has no title to, nor care of, nor any business with the temporalities of any church, we reject with decision every order or ordinance of his respecting the property of our corporation; we think it highly improper that he should attempt to meddle with our estate, or pre-

sume to order any person whatever to claim and enjoy all or any part of it. As to the pretence that he does it because they who serve at the altar should live of the things of the altar; or in other words, that we ought to maintain our minister, it is too frivolous to be even plausible. As the Lord and Giver of all property had already made an ordinance on this subject, another ordinance of the like import by the bishop was, to say the least, unnecessary. In this case his admonitions would be more proper than his orders. Besides, the bishop must know, and does know, that whatever relates to the support of the minister, is always settled and fixed by a contract between him and his congregation, before his induction as their rector. And therefore it can neither be very necessary, nor very decorous, for the bishop to ordain that the minister shall claim and enjoy, what the corporation had previously promised and engaged that he should have and enjoy.

“By the same instrument the bishop further ordains that the said minister shall claim and enjoy the said temporalities, *not for any prescribed or limited time*, but until he shall be separated from the congregation by *episcopal authority*.

“In cases where the contract with the minister is clearly expressed and well understood to be for a limited time, can the bishop, with any appearance of probity or propriety, ordain that the minister shall, after the expiration of that time, still continue to claim and enjoy the temporalities without a new contract? Or is it the object and design of this same office of induction, to divest us of the important right which we have by the laws of God and of our country, to make civil and lawful contracts of *limited duration* with any person for his services, whether priest or layman? We fear this design is in operation, for we understand that every priest who shall make such a contract is to be excluded from a seat in the Convention.

“We for our parts are far from being prepared to admit

the validity and power of any canon to divest us of this right, or to punish or disfranchise a priest for exercising it. We know of nothing in the gospel which forbids such contracts. To insist that we shall take a priest for better or for worse, and to keep and to pay him whether he proves worthy or unworthy, faithful or unfaithful, whether we like him or whether we do not like him, is really demanding more than ought either to be demanded or to be complied with. It is said, that the bishop may afford relief. It is true that he may ; but it is also true that he may not.

“As to the bishop’s being the arbiter and judge of disputes between a congregation and their rector, we observe, that all such of their disputes as turn on questions of a civil nature belong to the jurisdiction of the courts of law ; and that no canon can either deprive those courts of that jurisdiction, nor divest any freeman of his right to have those disputes determined by the laws and by a jury of the country : and consequently, that no canon can or ought to constitute the bishop to be the arbiter or judge of them. But where the disputes turn on points of doctrine, we admit the fitness of their being decided by the bishop, so far as to settle the dispute ; but not in all cases so far as to settle the doctrine ; for there has been a time when, if the people had continued to believe and adhere to all the decisions and doctrines of their bishops, we should not have heard of, nor have been blessed with the reformed Protestant religion.

“We cannot consider it as being altogether consistent with decorum, that the office of induction should order the senior warden, who is the first officer of the corporation, to stand at an appointed place, on the day of induction, during Divine service, holding the keys of the church in his hand in open view, as a mere pageant. We cannot approve of his being directed then to deliver the keys to the new incumbent, as a *token* that the parish did *acknowledge* him to be, what they had already made him to be, *their rector*. We can as little approve of what the new incum-

bent is thereupon to say to the senior warden, viz. 'I receive these keys as pledges of the bishop's *episcopal induction*, and of your *recognition*.'

"Recognition of what? That they, the churchwardens, vestry, and congregation, are all ciphers in the business. It is not easy to observe and examine these things without feeling some degree of indignation. We cannot dismiss the office of induction without expressing our disapprobation of introducing an opinion on a disputed point into one of the prayers directed to be used on the day of induction; it is this:

"O holy Jesus, who has purchased to thyself an universal church, and has promised to be with the ministers of *apostolic succession* to the end of the world.'

"This is not the promise literally, but the promise paraphrased and expounded. The promise of our Saviour is, 'And lo, I am with you alway, even unto the end of the world.'

"As the apostles were all to die in a few years, this promise could not be understood as limited to them personally, but as extending to a certain description of persons throughout all ages of the world. To what description of persons does the promise extend? is the question. To this question, they who made the above paraphrase answer, that it intends and extends to '*the ministers of apostolic succession*.' If it be asked, whether the ministers of the Calvinistic and of certain other churches are of apostolic succession, it is answered by all our bishops and clergy that they are not. It follows, therefore, of necessary consequence, that our bishops and clergy, and their congregation, when they offer up their prayer to Almighty God, must offer it with the meaning and understanding that the gracious promise mentioned in it is confined to Episcopalian ministers, and therefore excludes the ministers of all other denominations of Christians.

“Who is there among us that can be prepared to declare, in solemn prayer, and in such positive and unqualified terms, that none but Episcopalian ministers have any part or lot in this important promise? Who is there that can be certain that the apostles, as to that promise, were not considered as the representatives of all who should become sincere and pious converts to, and believers in, the doctrines which they were sent to publish and to teach? What good reason can be assigned for our being called upon by the office of induction to adopt thus solemnly in prayer a doubtful exposition and construction of the promise; for doubtful it most certainly is, having from the reformation to this day been a subject of controversy and dispute between the ablest and best Christian divines. Great, indeed, must be the confidence and hardihood of those advocates for this construction of the promise who can, without hesitation, deny that our blessed Redeemer was with those non-episcopalian ministers and congregations amounting to several hundred thousands, who for his sake endured all the varieties and rigours of persecution. If the great Captain of our Salvation was not with them, how and by whom were they enabled to meet and sustain such trials so firmly, to resist the adversary so resolutely, and to fight the good fight of faith so triumphantly?

“It may not be unworthy of remark, that as a prophecy is best understood from its completion, so the manner in which a Divine promise is performed, affords the best exposition of its true and original meaning.

“Lastly. Let it be remembered, and corporations should recollect their charters, that in the year 1795 the Protestant Episcopal church in this State did apply for and did obtain an act of the Legislature of this State, passed the seventeenth day of March in that year, which contains the following clause.

“‘And be it further enacted, that the churchwardens and



vestry for the time being, shall be, and hereby are vested with full power to call and induct a rector to the church, when and so often as there shall be a vacancy therein.'

"We submit to your consideration whether measures should not be taken to do away the office of induction; and if there must be such a thing introduced into the church, that it may be such a one as will leave both clergy and laity in quiet possession of their respective rights.

"It is with sincere regret and reluctance that we find ourselves urged, by obvious considerations, to proceed to remarks on another interesting topic, which cannot be agreeable to many whose affections and good-will we are solicitous to cultivate by every becoming mark of respect. We know how much the welfare of our infant church depends on their friendly disposition towards us, and it certainly is as little our inclination as it is our interest to incur their displeasure. But painful as it may be, we must maintain our right, even at the risk of losing their good-will.

"For a considerable time past, we have observed a variety of circumstances connected with church affairs which, on being combined and compared one with the other, justify inferences which, in our opinion, are exceedingly interesting, not only to the rights of the laity, but also to our churches in general, and to yours in particular. We allude to the gradual introduction and industrious propagation of high church doctrines. Of late years, they have frequently been seen lifting up their heads and appearing in places where their presence was neither necessary nor expected. There never was a time when those doctrines promoted peace on earth or good-will among men. Originating under the auspices and in the days of darkness and despotism, they patronised darkness and despotism down to the Reformation. Ever encroaching on the rights of governments and people, they have constantly found it convenient to incorporate, as far as possible, the claims of the clergy with the principles and practice of religion; and

their advocates have not ceased to preach for Christian doctrines the commandments and devices of men.

“To you it cannot be necessary to observe, that high church doctrines are not accommodated to the state of society, nor to the tolerant principles, nor to the ardent love of liberty which prevail in our country. It is well known that our church was formed after the revolution with an eye to what was then believed to be the truth and simplicity of the gospel; and there appears to be some reason to regret that the motives which then governed have since been less operative.

“We know that our obscure and unimportant corporation can do but little. Providence has placed you under different circumstances. You have stronger inducements to watchfulness, more means to do good, and more power to avert evil.

“Permit us to hope that the subjects of this letter will engage your serious consideration. Whatever may be the result, we shall have the satisfaction of reflecting that we have done our duty, in thus explicitly protesting against measures and proceedings which, if persevered in, must and will, sooner or later, materially affect the tranquillity and welfare of the church.”

Some slight alterations have since been made in the office of induction; but it is to be regretted that the objectionable expressions and assumptions have been retained.

Mr. Jay continued for many years actively engaged in the improvements of his farm; and conducted them with that prudence and foresight which in more important matters had marked his character. He disclaimed all intention of converting his farm into what is usually termed “a seat;” regarding expensive rural decorations as inconsistent with the state of American society and fortunes, and too often leading to the alienation of the estate itself. His buildings, &c. were therefore constructed with simplicity, and with

direct reference to the uses for which they were intended ; but no cost was spared in procuring the best materials, and in putting them together in the most durable manner. A friend who had passed some days with him, noticing the works in which he was engaged, and conversing much with him on religious subjects, remarked on his departure that Governor Jay, in all his conduct, seemed to have reference to perpetuity in this world and eternity in the next. The immediate cultivation of the farm he committed to an overseer ; but all the improvements were conducted under his own superintendence, and he took much pleasure in overlooking and directing his workmen.

When his health and the weather permitted, he spent most of the day in the open air, and no small portion of it on horseback. The state of his health rendered him indisposed to go far from home ; but having a daughter settled in Albany, and a son in New-York, he occasionally, although rarely, visited those cities. Of the "mighty dead" with whom, he says in one of his letters, he was in the habit of conversing, Cicero seemed to be his favourite. For modern literature he had little taste ; at least, whether from want of time or inclination, he read few new books. The Scriptures were pre-eminently his study, and were the subjects of his daily and careful perusal.

In all his domestic habits he observed great exactness and regularity. During the whole of his residence at Bedford, till near its close, he almost constantly rose with or before the sun at all seasons ; and when the weather permitted, was frequently on horseback before breakfast. He required his meals to be served with great punctuality. Every morning immediately before breakfast, the family, including the domestics, were summoned to prayers ; and the call was repeated precisely at nine at night, when he read to them a chapter in the Bible, and concluded with prayer. At the close of the evening devotions he retired to rest, except when courtesy to his guests induced him to

keep later hours; but the presence of company neither postponed nor suspended the family worship.

Being one day told that some of his friends had inquired how it was possible for him to occupy his mind at Bedford; he replied, with a smile, "I have a long life to look back upon, and an eternity to look forward to."

In the course of a few years, circumstances permitted him to enjoy more of the society of his children, and his family circle was gradually enlarged by the addition of his children's children.

The war, declared in 1812 by the United States against Great Britain, although it did not disturb his retirement, led him in a slight degree to mingle once more in the counsels of his political friends.

A few days after the declaration of war, a gentleman in New-York wrote to him: "The merchants are delighted with the tenth article of your treaty, which prohibits sequestration of debts in time of war. Great Britain is now, by a singular change of circumstances, our debtor to the amount of very many millions."

It was natural that federalists should wish to know what course of conduct, under the existing circumstances of the country, their old and respected leader would recommend to them. A letter addressed to him for this purpose contained the following passage:—"I cannot conclude without expressing a wish that you would favour me with a letter, under such restrictions as you may think proper, and which shall be punctually regarded. Be assured, my dear and valued friend, your name does not cease to give weight to opinion."

To this he replied:

"Bedford, 28th July, 1812.

"DEAR SIR,

"I received on Saturday last your friendly letter of the 20th instant.

"No event that is highly interesting to our country can

be viewed with indifference by good citizens ; and there are certain occasions when it is not only their right, but also their duty, to express their sentiments relative to public measures.

“ As the war has been *constitutionally* declared, the people are evidently bound to support it in the manner which *constitutional* laws do or shall prescribe.

“ In my opinion, the declaration of war was neither necessary, nor expedient, nor seasonable ; and I think that they who entertain this opinion do well in expressing it, both individually and collectively, on this very singular and important occasion.

“ As to town meetings on the subject, the expediency of them depends much on the question, whether and how far the inhabitants of the town concur or disagree in sentiment. When convened, their proceedings and resolutions should be decided and firm, and they should also be temperate and decent. There are few ideas which cannot be decently dressed. Harsh and violent expressions neither convince nor persuade. A Spanish proverb says, ‘ We cannot catch flies with vinegar.’

“ The irascible passions, when highly excited, are difficult to control, and sometimes produce or lead to events which are to be deprecated. Commotions tending to a dissolution of the Union, or to civil war, would be serious evils. A change of measures would result from a change of rulers, and public opinion is the proper mean of effecting it.

“ I do not hesitate to express these sentiments on proper occasions ; but it would not be pleasant to be quoted in newspapers, or hand-bills, or public speeches.

“ Thus, my dear sir, I have complied with your request very clearly and explicitly. It would have given me pleasure to have done this in conversation, and to have talked over with you many other matters, both old and new.

“ I am, my good friend,

“ Yours, sincerely and affectionately,

“ JOHN JAY.”

The constitutional principles here advanced will be generally admitted, but most readers will probably view the opinion expressed of the war itself in accordance with their own previous sentiments. To attempt a defence of this opinion would be to enter into the wide and rugged field of party controversy. Suffice it to remark, that as the treaty of peace failed to secure to the United States any one of the professed objects for which they had appealed to arms, it affords, at least, strong presumptive evidence that the war was "neither necessary, nor expedient, nor reasonable."

Early in August, Mr. Jay met a few of his friends at Morrisania, to consult on the measures proper to be pursued at the present juncture. It was determined that a public meeting should be held in the city of New-York, for the purpose of disapproving of the war, and for recommending the election of delegates from the several counties to a State convention, by which the sense of the peace party might be collected and expressed. A convention of delegates from the several States was also contemplated. The proposed meeting in New-York was accordingly held, and soon after, in pursuance of the plan agreed on, a peace meeting was held in Westchester county.

"TO JOHN JAY.

"Morrisania, 11th September, 1812.

"MY DEAR FRIEND,

"You will have learned that on my nomination you was chosen one of the delegates from Westchester county. If you should attend the first day, you would, I doubt not, be chosen president; but I think this would not suit you; neither would it coincide with my project, which is that you should be one of the delegates to the general convention. Tell me frankly your view of the subject, and who is in your opinion most suitable for the president. You

know that a man raised to that point will not willingly afterward fall into the ranks.

“Yours, truly,

“GOUVERNEUR MORRIS.

“P. S. King is to go from Queens county.”

“TO GOUVERNEUR MORRIS.

“Bedford, 21st Sept., 1812.

“DEAR MORRIS,

“I received on the 19th your letter of the 11th instant. The diminution of my health since I left you, leaves me very little reason to expect a return of such a degree of it as would enable me to attend to any business like that in question. To undertake a task without a prospect and probability of performing it properly, is to deviate from the path of prudence.

“Your revolutionary services, the general confidence in your abilities and views, your standing in society and experience in affairs, your having much to preserve or to lose, are considerations which inspire trust and create influence.

“In my opinion, the president of every county, state, or national convention should be a person fitted to receive and employ *authority* consistent with the laws and constitution. This idea, if placed in certain lights, may excite perplexing apprehensions, and therefore should be discreetly used. Let us have efficient leaders, and place them where they will appear to be so.

“Although the place of president of the proposed convention might not be agreeable to you or to Mr. King, yet it is desirable that you or he consent to accept it. Important matters may be matured in a committee of the whole House.

“The convention should extend their views to what may be, as well as what is. Prudence looks all around—*before* as well as behind. Measures to favour system and organization

should be adopted. Moderation, but no timidity,—wisdom, but no cunning, should mark their proceedings. When the business of the session is finished, they should *adjourn*, not dissolve, and let the president be authorized to convene them if in his judgment an occasion to render it expedient should occur. Provision should be made for a new convention after the expiration of the year, in case affairs should then require a convention.

“It is possible that a convention of delegates from the friends of peace in all the States, or a certain portion of them, may become advisable. A regular correspondence between the presidents of the State conventions should be maintained, and the state of public opinion and feeling be seasonably ascertained and attended to.

“The French will not relax their efforts to render our nation subservient to their designs; and their political and pecuniary means will be industriously employed to effect it.

“Besides, there may perhaps be an occurrence of peculiar circumstances inviting the use of means more palpalbe. This may or may not be. Any thing like civil war or oppression is to be deprecated; but it would be better to meet it as not unexpected, than be taken by surprise, or submit to be slaves or victims.

“They who sail in hurricane seasons and latitudes should be prepared and vigilant.

“Present my compliments and best wishes to Mrs. Morris.

“Yours sincerely,

“JOHN JAY.”

A high political excitement was at this time kindled in Westchester county, and indeed throughout the State; and preparations were made by the opposing parties for a vigorous contest at the ensuing election. Three members were to be returned to the House of Assembly from Westchester. To one of the candidates nominated by the peace



party, Mr. Jay and some others had strong objections, on account of certain tergiversations of which he was alleged to have been guilty; and they accordingly withheld their support from him and defeated his election, while the other two candidates were returned. For this breach of party discipline they were openly censured by their political friends. Mr. Jay published, anonymously, a vindication of the course pursued by himself, and those who acted with him. The lofty and independent sentiments advanced in the conclusion of this vindication, are in perfect keeping with the character of the writer.

“We approve of the customary mode of nominating candidates, and have uniformly concurred in it; that concurrence certainly involved our tacit consent to be bound by the nominations which should be so made. But it is equally certain that such consent did, does, and ever will rest, on the condition, trust, and confidence, that such nominations only be made as we could or can support, without transgressing the obligations we are under to preserve our characters and our minds free from humiliation and reproach. We are, and will be, faithful to the peace party; but we will also be faithful to our sense and conviction of what is decent and becoming for us to do.

“Adherence to party has its limits, and they are prescribed and marked by that Supreme wisdom which has united and associated true policy with rectitude, and honour, and self-respect.”

The remainder of Mr. Jay's life being entirely passed in the bosom of his family, and in the peaceful and unostentatious discharge of the duties of religion and benevolence, affords but few incidents for the biographer. It was during this period that most of the great religious associations in our country, formed upon the principle of co-operation, without compromise, arose into being; and they found in Mr. Jay a warm friend and a liberal patron. In 1815 he accepted the place of president of the Westchester County

Bible Society, and in the ensuing year, on the organization of the American Bible Society, was appointed one of its vice-presidents. He likewise became a member of the Tract and Sunday-school societies, and of that for Educating Pious Youth for the Ministry.

In 1813 Mr. Jay was summoned to the dying bed of his brother Peter, to whom he had through life been tenderly attached. This interesting man, having been deprived of sight in his childhood, had passed his life on the paternal estate at Rye as a farmer. By the attentions of his parents, and the practice adopted in his father's family of reading aloud every evening, his memory became stored with much and varied information; and he was enabled to bear his part in general conversation with ease and propriety. He cultivated his large farm with a degree of skill and judgment exceeded by few, if any, of his neighbours. The anecdotes related of his ingenuity and independence are almost incredible. He could traverse his whole farm without a guide, was an excellent judge of horses and cattle, and rode much on horseback; he was dexterous in the use of tools, and amused himself in making various utensils. When young, he was fond of swimming and fishing, and would often climb the tallest trees in search of nuts.

He bore through life an unblemished character, and exhibited in his death a degree of Christian composure and confidence rarely enjoyed. In a letter written by his brother a few days after his funeral, he observed:

“When I arrived at Rye, I found that the doctors had little, or rather no expectation of your uncle's recovery. After executing, the day before, certain codicils to his will, he said, ‘Now I am ready.’ On asking him the day after my arrival how he did, he answered, ‘I am going fast—through the mercies of my Saviour, I shall receive everlasting life and happiness in less than two days.’ With this declaration, the whole of his conduct and conversation corresponded exactly.”

In 1818, Mr. Jay experienced a heavy domestic affliction. One of his daughters, while on a visit in the city of New-York, was seized with a severe illness, which shortly terminated her life.

“TO THE REV. SAMUEL F. JARVIS.

“Bedford, 4th May, 1818.

“REV. SIR,

“Accept my thanks for your obliging letter of the 28th ult. The motives which prompted, and the sentiments which are expressed in it, make correspondent impressions on my mind.

“The removal of my excellent daughter from the house of her earthly, to the house of her Heavenly Father, leaves me nothing to regret or lament on *her* account. Her absence is, nevertheless, a privation which I feel very sensibly, both on my own account and that of her affectionate brothers and sisters. I hope we shall be favoured with grace to derive consolation from the reflection that her departure was ordered by infinite wisdom and goodness, and that this temporary separation will terminate in a perpetual reunion.

“With the best wishes for your happiness here and hereafter,

“I am, reverend sir,

“Your obliged and obedient servant,

“JOHN JAY.”

It was about this time that Mr. Jay received a visit from an old and estimable friend of the Quaker persuasion. The impression made on the mind of this gentleman by the character of his host, may be gathered from the annexed passage of an affectionate letter he addressed to him on his return home. After speaking of the family at Bedford, he added :

“With respect to thyself, I had to behold and contemplate

a character which appeared to me so far redeemed from the world, and the defilements of flesh and spirit, as in a good degree to resemble the piety of good old Simeon, who is described by St. Luke in the following emphatic language: ‘And behold there was a man in Jerusalem whose name was Simeon, and the same was just and devout, waiting for the consolation of Israel, and the Holy Ghost was upon him.’

“I thought while sitting by thee, and about to take my leave, I could with propriety give thee the right hand of fellowship, as one whose attainments in the vitality of religion entitled thee to pre-eminence.”

In 1819 the country was agitated by what was called “the Missouri question,” a discussion pending in Congress respecting the toleration of slavery in Missouri, a territory about to be received into the Union. The following letter on this subject was extensively circulated at the time in the public journals.

“ TO ELIAS BOUDINOT.

“ Bedford, Westchester County, N. Y., }  
17th November, 1819. }

“DEAR SIR,

“I have received the copy of a circular letter which, as chairman of the committee appointed by the late public meeting at Trenton respecting slavery, you was pleased to direct to me on the 5th instant.

“Little can be added to what has been said and written on the subject of slavery. I concur in the opinion that it ought not to be introduced nor permitted in any of the new States; and that it ought to be gradually diminished and finally abolished in all of them.

“To me the constitutional authority of the Congress to prohibit the migration and importation of slaves into any of the States, does not appear questionable. The first article of the constitution specifies the legislative powers

committed to the Congress. The ninth section of that article has these words:—

“‘The *migration* or *importation* of such *persons* as any of the *now existing* States shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808. But a tax or duty may be imposed on such importations, not exceeding ten dollars for each person.’

“I understand the sense and meaning of this clause to be, that the power of the Congress, although competent to prohibit such migration and importation, was not to be exercised with respect to the *then existing* States (and them only) until the year 1808; but that the Congress were at liberty to make such prohibition as to any new State, which might, in the *mean* time, be established: and further, that from and after *that period*, they were authorized to make such prohibition, as to all the States, whether new or old.

“It will, I presume, be admitted, that slaves were the *persons* intended. The word *slaves* was avoided, probably on account of the existing toleration of slavery, and of its discordancy with the principles of the revolution; and from a consciousness of its being repugnant to the following positions in the Declaration of Independence, viz.:—

“‘We hold these truths to be self-evident:—that *all* men are created equal: that they are endowed by their Creator with certain unalienable rights: that among them are life, liberty, and the pursuit of happiness.’

“As to my taking an active part in ‘organizing a plan of co-operation,’ the state of my health has long been such as not to admit of it.

“Be pleased to assure the committee of my best wishes for their success, and permit me to assure you of the esteem and regard with which I am,

“Dear sir,

“Your faithful and obedient servant,

“JOHN JAY.”

On the formation of the American Bible Society, the venerable Elias Boudinot was placed at its head. This excellent man died in 1821, and Mr. Jay was selected by the unanimous choice of the board of managers to fill his place.

“TO THE REV. S. S. WOODHULL, SECRETARY OF THE  
AMERICAN BIBLE SOCIETY.

“Bedford, 7th December, 1821.

“REV. SIR,

“I received by the last mail your obliging letter of the 17th instant, informing me that the board of managers had unanimously elected me to succeed the late worthy president of the American Bible Society. Those gentlemen have thereby done me honour, and I thank them for it.

“The circumstances under which the British and Foreign Bible Society arose and extended its benign influence to distant countries, and the subsequent spontaneous formation of numerous similar societies in other nations, are events so singular and so little to have been expected, as to afford reason to ascribe them to a more efficient cause than any of those from which mere human institutions usually result.

“They who regard these societies as deriving their origin and success from the Author and Giver of the gospel, cannot forbear concluding it to be the duty of Christians to promote the purposes for which they have been established; and that it is particularly incumbent on their officers to be diligent in the business committed to them.

“It has long and uniformly been my opinion, that no person should accept of an office or place unless he be both able and willing to do the duties of it. This principle opposes my acceptance of the one in question. My health has been declining for twelve years past; my excursions from home have long been limited to short distances; such are my maladies that they often confine me to the house, and at

times to my chamber: combined with the necessary infirmities of age, they allow me no prospect of convalescence.

“As president of the society, I should think I ought to be conversant with their proceedings, and not only attend their annual meetings, but also, at least occasionally, partake in the consultations and assist in the transactions of the board of managers.

“Were I in capacity to do the duties of the office, I should accept it without hesitation. I say without hesitation, because I should then as much doubt my having a right to decline, as I now doubt my having a right to accept it.

“From the preceding particulars relative to the state of my health, the gentlemen of the board will perceive that my inability to serve them is greater in degree than they doubtless apprehended. Be pleased, sir, to assure them of my gratitude for the distinction with which they have honoured me, and that opportunities of manifesting it would give me pleasure.

“I am, reverend sir,

“Your obedient servant,

“JOHN JAY.”

The board immediately deputed two of their vice-presidents to proceed to Bedford, and to represent to Mr. Jay that no other official services were expected from him, in his present state of health, than an annual address; and that his acceptance of the office was regarded as important to the reputation, and consequently, to the usefulness of the society. These representations, and the urgent solicitations of the friends of the society, succeeded in drawing from him a reluctant consent. As president of this great institution, he discharged for several years, as far as he was able, the duties of his station, by a prompt attention to official correspondence, and by his addresses to the society at their anniversary meetings. In 1828, his increasing infirmities

rendered it improper for him any longer to retain the situation, and he therefore resigned it, accompanying his resignation with a liberal donation to the society.

The 4th of July, 1826, was observed throughout the United States with more than ordinary pomp and festivity, as completing half a century since the declaration of independence. This occasion gave rise to the following correspondence :

FROM A COMMITTEE OF THE CORPORATION OF THE CITY  
OF NEW-YORK TO JOHN JAY.

“ New-York, June 22d, 1826.

“ SIR,

“ The corporation of this city have resolved to celebrate, with public demonstrations of respect and joy, the ensuing anniversary of American Independence.

“ The period of time which has elapsed since the declaration of independence, gives to the coming anniversary a peculiar solemnity and interest. To you, sir, this anniversary must return with feelings grateful to a patriot heart. Engaged in the first scenes of the revolution, when the disproportion between the power of the mother country and the means of the then colonies might have appalled even bold and daring minds—yet conscious of your country’s rights, and sensible of their importance to its happiness and welfare, you and your compatriots fearlessly periled your fortunes and your honours in the contest. By your firmness and the wisdom of your counsels, you eminently contributed to the glorious and happy issue which has placed our country in a rank with the most favoured nation of the earth.

“ Amid the festivities of the anniversary, while we remember your worth, your virtue, and your patriotism, it will add to our pleasures to reflect that you have been permitted by Providence to witness the fiftieth return of a day so conspicuous in the annals of freedom, and also to find your



beloved country happy as a people, and prosperous as a nation.

“While we present to you in behalf of our citizens their congratulations on the return of this anniversary, we beg leave to assure you that your presence at the intended celebration would afford us the highest gratification. And to this we respectfully invite you.

“In behalf of the corporation of the city of New-York, we are with great consideration,

“Your obedient servants.”

“TO THE COMMITTEE OF THE CORPORATION OF THE CITY OF  
NEW-YORK.

“Bedford, June 29th, 1826.

“GENTLEMEN,

“I have received your letter of the 22d inst., informing me that the corporation of the city of New-York had resolved to celebrate, with public demonstrations of respect and joy, the ensuing anniversary of American Independence, and inviting me, on behalf of the corporation, to unite with them in their congratulations on the return of this day.

“I feel very grateful for the honour done me by this invitation, and request the favour of you to assure the corporation of my gratitude for it, and my regret that the state of my health renders me unable to comply with their kind wishes.

“I cannot forbear to embrace the opportunity afforded by the present occasion, to express my earnest hope that the peace, happiness, and prosperity enjoyed by our beloved country, may induce those who direct her national councils to *recommend* a general and public return of praise and thanksgiving to HIM from whose goodness these blessings descend.

“The most effectual means of securing the continuance of our civil and religious liberties is, always to remember

with reverence and gratitude the source from which they flow.

"I beg you to accept my thanks for the obliging manner in which you have been pleased to allude to my public life.

"I have the honour, gentlemen, to be

"With great respect,

"Your obedient servant,

"JOHN JAY."

The above was one of the last letters written by Mr. Jay, and forms an appropriate conclusion of his public correspondence.

In 1827 he was seized with a severe and dangerous illness, and at a certain stage of his disorder, his physicians pronounced his recovery hopeless. The author believing it proper that the patient should be apprized of his danger, assumed the painful duty of communicating it to him. The information was received without the slightest perceptible emotion. Always reserved in the expression of his religious feelings, he made no remarks on his situation; but throughout the day his spirits appeared to be unusually raised, and he conversed with cheerfulness and animation on ordinary topics. He was urged by one of the family to tell his children on what foundation he now rested his hopes, and from what source he drew his consolations. "They have the book," was his concise, but expressive reply.

The strength of his constitution, aided perhaps by the serenity of his mind, triumphed over his disease; and he was spared to his family and friends for about two years longer. This period, however, was one of great debility, and frequently of suffering. For many months before his death, he was unable to walk without assistance. During the day, he passed much of his time in his own room; the evenings were spent with his children and guests, partly in conversation, and partly in listening to books which were read aloud by one of the family. Unable to attend church,

he occasionally had the Lord's Supper administered to him in his chamber; and in this solemn service he had the satisfaction of being joined by all his children who happened to be with him.

On the evening of the 14th May, 1829, he retired to bed as well as usual, but in the course of the night was seized with palsy. The disease affected his articulation, and almost entirely deprived him of the power of conversing. It was evident, however, from the few sentences he succeeded in uttering, that his mind was unimpaired by the shock. Medical skill proved unavailing, and he lingered till noon of Sunday, the 17th, when he expired in the eighty-fourth year of his age.

His funeral, in obedience to the directions in his will, was without ostentation. The corpse was taken to the parish church, where an appropriate sermon was delivered by the pastor, in the presence of a large audience, consisting of gentlemen from various parts of the county, who attended to pay this mark of respect to the deceased. On the conclusion of the funeral services, the corpse was conveyed to Rye, and interred in the family cemetery.

Mr. Jay had survived nearly all who had ever been personally opposed to him in politics. His character had triumphed over the calumnies by which it had been assailed; his long retirement had exempted him from all participation in the conflicts and animosities of modern parties; and when he left the world, he probably left no one in it who harboured an unkind feeling towards him. Hence, the intelligence of his death called forth from men of all parties willing attestations of his worth. The public journals, however discordant on other topics, united in doing justice to his memory. The judges and the members of the bar of the county court, put on mourning for thirty days; and the Supreme Court of the State, being in session when the news of his death was received, immediately adjourned, as a mark of respect; and by order of Congress, a bust of the

first chief justice has since been executed, and placed in the chamber of the Supreme Court of the United States.

The character of John Jay has been portrayed in the preceding pages. Simple and uniform, it is perplexed by no eccentricities or contradictions. His public and his private life, his professions and his conduct, form one harmonious whole. Endowed by his Creator with a vigorous mind, a sound judgment, and a pious heart, he pursued right objects; selected his means with an almost intuitive perception of their fitness; and used them with a prudence that rarely failed to ensure success. Formed by nature with that irritability of temper which is so often at once the attendant and the bane of genius, he acquired a degree of equanimity seldom attained by any.

Although warm, constant, and disinterested in his friendships, he indulged no feelings of hostility towards those who attempted to injure him; and no act of his life is known that indicated a desire for revenge. He was, however, free from that weak confidence which too often makes well-disposed men the dupes of artifice and malice. Having once had good cause to doubt a man's sincerity or integrity, he never after trusted him. "Separate yourself from your enemies," was the rule by which he regulated his conduct towards those who wished him ill; and in the whole course of his life he never deserted a friend, or courted an enemy.

Experience had early taught him to place no reliance on mere professions of patriotism, as he had himself been reproached with lukewarmness in the cause of American independence, by men who in the hour of peril deserted their country, and sought the protection of its enemies. Nor had he any confidence to bestow upon those politicians who affect to find in popular opinion the only standard of right and wrong; and he was accustomed to say, that from Absalom down there had never been an honest demagogue.

A sense of future accountability seems to have been always present to his mind; and he esteemed the sentence

his fellow-men might pass upon him, when compared with the realities of the judgment-day, as the dust of the balance. Yet no man was more republican in his habits, nor more affable and condescending to others.

Few could claim a more entire exemption from the sins comprehended in "the lust of the eyes and the pride of life." Although for many years filling stations which necessarily brought him into constant intercourse with the rich and fashionable, his dress, furniture, and equipage were always as plain and frugal as propriety would permit. As a republican, he thought it became him to set an example of plainness and simplicity; as a Christian, he acknowledged the obligation to be "temperate in all things;" and as a parent, he shrunk from impoverishing his children by a vain and useless display, which, to use his own words, serves only to please other people's eyes, while it too often excites their envy. But his frugality had nothing in common with parsimony. "A wise man," he said, "has money in his head, but not in his heart." He purchased nothing because it was handsome or fashionable; but no expense was spared that would promote the real comfort of himself or family. His contributions to the ever-varying and recurring calls of religion and benevolence were cheerful and generous.

Although jealous of ecclesiastical encroachments, he felt and manifested the respect due to the clerical character; and was fond of proving from the New Testament, that the support of the clergy, instead of being a matter of choice, was a duty as obligatory upon Christians as the observance of any command in the decalogue. He rejoiced in the increase and prosperity of such of the various religious denominations as, in his opinion, held the great and essential doctrines of Christianity, and invariably complied with the numerous applications made to him, to contribute to the expense of erecting their churches. All, he said, depended on churches and school-houses.

Age and infirmities, instead of blunting, seemed to quicken his sensibility to the sufferings of others, and various were his modes of administering to their relief. It was a favourite saying with him, that ostentation and rapacity go together ; his own conduct was a beautiful illustration of the converse of the maxim. His economy seemed to be connected with an entire indifference to money, whenever duty forbade its acquisition, or required its expenditure. Hence he rejected the many opportunities his official influence afforded him after the war, of amassing a fortune by trafficking in confiscated estates ; and while governor, and president of the land office, he never purchased an acre of the public lands. He was liberal in all his contracts, acting on the maxim that no hard bargain is a good one. To his poor neighbours he often made loans without interest, and when payment could not be exacted except by distressing them, he forgave the debt, and to his bounty were they frequently indebted for food, clothing, and medical attendance.

A distinguishing trait in Mr. Jay's character was modesty ; not an affectation of inferiority to others, or a distrust of his own powers, but a total absence of all endeavour to attract admiration. He assumed no importance, claimed no deference, and boasted of no merit. Extraordinary as it may seem, a stranger might have resided with him for months together, without discovering from his conversation that he had ever been employed in the service of his country. Whenever the important scenes in which he had been engaged were alluded to, he changed the conversation as quickly as politeness would permit. It was with difficulty that even his own children could occasionally induce him to converse on these interesting topics. Yet he cheerfully took his part in general conversation, enlivening it with anecdotes, and a wit which amused without wounding. He was fond of conversing on religious subjects, and particu-

larly on biblical criticism, but it was the expression of opinions, not of feelings, in which he indulged.

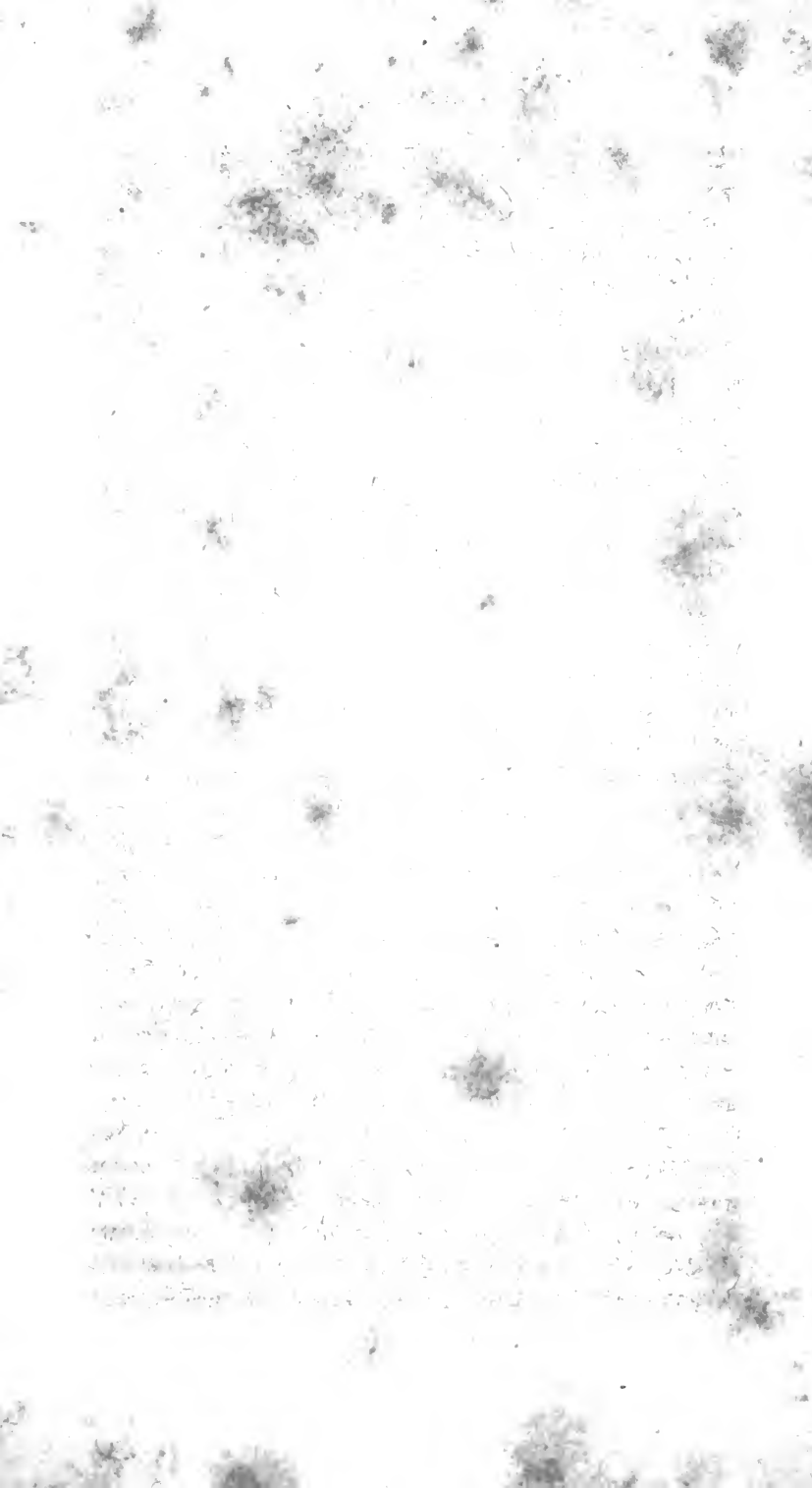
He had had full experience, of the pleasures and the pains of public life, and his advice to his sons was, never to accept an office, except from a conviction of duty.

His patriotism, prompted and guided by the precepts of Christianity, ever refused to make the smallest sacrifice of truth or justice to the cause of his country; while for the same object, it was always ready to surrender whatever else was most dear to him. Much as he loved his country, he spurned the principle implied in the sentiment—"Our country, right or wrong;" and on all occasions, public as well as private, inflexibly adhered to the maxim, that honesty is the best policy.

Mr. Jay's religion was fervent, but mild and unostentatious. Through life he continued a member of the Episcopal church, and approved the doctrines and policy maintained by that portion of the denomination which is distinguished as the **LOW CHURCH**. While his health permitted, he was regular in his attendance on public worship, and was always a scrupulous, but not superstitious observer of the Sabbath. On the whole, his life exhibits a rare but interesting picture of the Christian patriot and statesman, and justifies the universal reverence for his character so eloquently described in an address delivered soon after his death.\*

"A halo of veneration seemed to encircle him as one belonging to another world, though lingering among us. When the tidings of his death came to us, they were received through the nation, not with sorrow or mourning, but with solemn awe, like that with which we read the mysterious passage of ancient Scripture, '**AND ENOCH WALKED WITH GOD, AND HE WAS NOT, FOR GOD TOOK HIM.**'"

\* By G. C. Verplanck, Esq.





## APPENDIX.

---

[No. I.]

ADDRESS TO THE PEOPLE OF GREAT BRITAIN.

*From the Delegates appointed by the several English Colonies of New-Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, the Lower Counties on the Delaware, Maryland, Virginia, North Carolina, and South Carolina, to consider their grievances in General Congress, at Philadelphia, September 5th, 1774.*

FRIENDS AND FELLOW-SUBJECTS,

When a nation, led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of forging chains for her friends and children; and instead of giving support to freedom, turns advocate for slavery and oppression, there is reason to suspect she has either ceased to be virtuous, or been extremely negligent in the appointment of her rulers.

In almost every age, in repeated conflicts, in long and bloody wars, as well civil as foreign, against many and powerful nations, against the open assaults of enemies and

the more dangerous treachery of friends, have the inhabitants of your island, your great and glorious ancestors, maintained their independence, and transmitted the rights of men and the blessings of liberty to you, their posterity.

Be not surprised, therefore, that we, who are descended from the same common ancestors; that we, whose forefathers participated in all the rights, the liberties, and the constitution you so justly boast of, and who have carefully conveyed the same fair inheritance to us, guarantied by the plighted faith of government, and the most solemn compacts with British sovereigns, should refuse to surrender them to men who found their claims on no principles of reason, and who prosecute them with a design that, by having *our* lives and property in their power, they may with the greater facility enslave *you*.

The cause of AMERICA is now the object of universal attention: it has at length become very serious. This unhappy country has not only been oppressed, but abused and misrepresented; and the duty we owe to ourselves and posterity, to your interest, and the general welfare of the British empire, leads us to address you on this very important subject.

KNOW THEN, That we consider ourselves, and do insist that we are and ought to be, as free as our fellow-subjects in Britain, and that no power on earth has a right to take our property from us without our consent.

That we claim all the benefits secured to the subject by the English constitution, and particularly that inestimable one of trial by jury.

That we hold it essential to English liberty, that no man be condemned unheard, or punished for supposed offences without having an opportunity of making his defence.

That we think the Legislature of Great Britain is not authorized by the constitution to establish a religion fraught with sanguinary and impious tenets, or to erect an arbitrary form of government in any quarter of the globe. These

rights we, as well as you, deem sacred. And yet, sacred as they are, they have, with many others, been repeatedly and flagrantly violated.

Are not the proprietors of the soil of Great Britain lords of their own property? Can it be taken from them without their consent? Will they yield it to the arbitrary disposal of any man, or number of men whatever? You know they will not.

Why then are the proprietors of the soil of America less lords of their property than you are of yours? or why should they submit it to the disposal of your parliament, or any other parliament or council in the world, not of their election? Can the intervention of the sea that divides us cause disparity in rights? or can any reason be given why English subjects, who live three thousand miles from the royal palace, should enjoy less liberty than those who are three hundred miles distant from it?

Reason looks with indignation on such distinctions, and freemen can never perceive their propriety. And yet, however chimerical and unjust such discriminations are, the parliament assert, that they have a right to bind us in all cases without exception, whether we consent or not; that they may take and use our property when and in what manner they please; that we are pensioners on their bounty for all that we possess; and can hold it no longer than they vouchsafe to permit. Such declarations we consider as heresies in English politics, and which can no more operate to deprive us of our property, than the interdicts of the pope can divest kings of sceptres, which the laws of the land, and the voice of the people have placed in their hands.

At the conclusion of the late war—a war rendered glorious by the abilities and integrity of a minister, to whose efforts the British empire owes its safety and its fame: at the conclusion of this war, which was succeeded by an inglorious peace, formed under the auspices of a

minister, of principles, and of a family unfriendly to the Protestant cause, and inimical to liberty; we say, at this period, and under the influence of that man, a plan for enslaving your fellow-subjects in America was concerted, and has ever since been pertinaciously carrying into execution.

Prior to this era, you were content with drawing from us the wealth produced by our commerce. You restrained our trade in every way that could conduce to your emolument. You exercised unbounded sovereignty over the sea. You named the ports and nations to which alone our merchandise should be carried, and with whom alone we should trade; and though some of these restrictions were grievous, we nevertheless did not complain: we looked up to you as to our parent state, to which we were bound by the strongest ties; and were happy in being instrumental to your prosperity and grandeur.

We call upon you yourselves to witness our loyalty and attachment to the common interest of the whole empire: Did we not, in the last war, add all the strength of this vast continent to the force which repelled our common enemy? Did we not leave our native shores, and meet disease and death, to promote the success of British arms in foreign climates? Did you not thank us for our zeal, and even reimburse us large sums of money, which, you confessed, we had advanced beyond our proportion, and far beyond our abilities? You did.

To what causes, then, are we to attribute the sudden changes of treatment, and that system of slavery which was prepared for us at the restoration of peace?

Before we had recovered from the distresses which ever attend war, an attempt was made to drain this country of all its money, by the oppressive stamp act. Paint, glass, and other commodities which you would not permit us to purchase of other nations, were taxed; nay, although no wine is made in any country subject to the British state,

you prohibited our procuring it of foreigners without paying a tax, imposed by your parliament, on all we imported. These and many other impositions were laid upon us most unjustly and unconstitutionally, for the express purpose of raising a revenue. In order to silence complaint, it was indeed provided, that this revenue should be expended in America for its protection and defence. These exactions, however, can receive no justification from a pretended necessity of protecting and defending us. They are lavishly squandered on court favourites and ministerial dependants, generally avowed enemies to America, and employing themselves by partial representations to traduce and embroil the colonies. For the necessary support of government here, we ever were and ever shall be ready to provide. And whenever the exigences of the state may require it, we shall, as we have heretofore done, cheerfully contribute our full proportion of men and money. To enforce this unconstitutional and unjust scheme of taxation, every fence that the wisdom of our British ancestors had carefully erected against arbitrary power has been violently thrown down in America, and the inestimable right of trial by jury taken away in cases that touch life and property. It was ordained, that whenever offences should be committed in the colonies against particular acts imposing various duties and restrictions upon trade, the prosecutor might bring his action for the penalties in the courts of Admiralty: by which means the subject lost the advantage of being tried by an honest uninfluenced jury of the vicinage, and was subjected to the sad necessity of being judged by a single man, a creature of the crown, and according to the course of a law which exempts the prosecutor from the trouble of proving his accusation, and obliges the defendant either to evince his innocence, or to suffer. To give this new judicatory the greater importance, and as if with design to protect false accusers, it is further provided, that the judge's certificate of there having

been probable causes of seizure and prosecution, shall protect the prosecutor from actions at common law for recovery of damages.

By the course of our law, offences committed in such of the British dominions in which courts are established, and justice duly and regularly administered, shall be there tried by a jury of the vicinage. There, the offenders and witnesses are known, and the degree of credibility to be given to their testimony can be ascertained.

In all these colonies, justice is regularly and impartially administered; and yet by the construction of some, and the direction of other acts of parliament, offenders are to be taken by force, together with all such persons as may be pointed out as witnesses, and carried to England, there to be tried in a distant land, by a *jury of strangers*, and subject to all the disadvantages that result from want of friends, want of witnesses, and want of money.

When the design of raising a revenue from the duties imposed on the importation of tea into America, had in a great measure been rendered abortive by our ceasing to import that commodity, a scheme was concerted by the ministry with the East India Company, and an act passed enabling and encouraging them to transport and vend it in the colonies. Aware of the danger of giving success to this insidious manœuvre, and of permitting a precedent of taxation thus to be established among us, various methods were adopted to elude the stroke. The people of Boston, then ruled by a governor, whom, as well as his predecessor Sir Francis Bernard, all America considers as her enemy, were exceedingly embarrassed. The ships which had arrived with the tea were by his management prevented from returning. The duties would have been paid, the cargoes landed and exposed to sale; a governor's influence would have procured and protected many purchasers. While the town was suspended by deliberations on this important subject, the tea was destroyed. Even supposing

a trespass was thereby committed, and the proprietors of the tea entitled to damages, the courts of law were open, and judges appointed by the crown presided in them. The East India Company, however, did not think proper to commence any suits, nor did they even demand satisfaction either from individuals, or from the community in general. The ministry, it seems, officiously made the case their own, and the great council of the nation descended to intermeddle with a dispute about private property. Divers papers, letters, and other unauthenticated *ex parte* evidence were laid before them; neither the persons who destroyed the tea, nor the people of Boston, were called upon to answer the complaint. The ministry, incensed by being disappointed in a favourite scheme, were determined to recur from the little arts of finesse, to open force and unmanly violence. The port of Boston was blocked up by a fleet, and an army placed in the town. Their trade was to be suspended, and thousands reduced to the necessity of gaining subsistence from charity, till they should submit to pass under the yoke, and consent to become slaves, by confessing the omnipotence of parliament, and acquiescing in whatever disposition they might think proper to make of their lives and property.

Let justice and humanity cease to be the boast of your nation! Consult your history, examine your records of former transactions, nay, turn to the annals of the many arbitrary states and kingdoms that surround you, and show us a single instance of men being condemned to suffer for imputed crimes, unheard, unquestioned, and without even the specious formality of a trial; and that too by laws made expressly for the purpose, and which had no existence at the time of the fact committed. If it be difficult to reconcile these proceedings to the genius and temper of your laws and constitution, the task will become more arduous, when we call upon our ministerial enemies to justify, not only condemning men untried and by hearsay, but

involving the innocent in one common punishment with the guilty, and for the act of thirty or forty, to bring poverty, distress, and calamity on thirty thousand souls, and those not your enemies, but your friends, brethren, and fellow-subjects.

It would be some consolation to us if the catalogue of American oppressions ended here. It gives us pain to be reduced to the necessity of reminding you, that under the confidence reposed in the faith of government, pledged in a royal charter from a British sovereign, the forefathers of the present inhabitants of the Massachusetts Bay left their former habitations, and established that great, flourishing, and loyal colony. Without incurring, or being charged with a forfeiture of their rights, without being heard, without being tried, without law, and without justice, by an act of parliament their charter is destroyed, their liberties violated, their constitution and form of government changed: and all this upon no better pretence, than because in one of their towns a trespass was committed on some merchandise, said to belong to one of the companies, and because the ministry were of opinion, that such high political regulations were necessary to compel due subordination and obedience to their mandates.

Nor are these the only capital grievances under which we labour. We might tell of dissolute, weak, and wicked governors having been set over us; of legislatures being suspended for asserting the rights of British subjects; of needy and ignorant dependants on great men advanced to the seats of justice, and to other places of trust and importance; of hard restrictions on commerce, and a great variety of lesser evils, the recollection of which is almost lost under the weight and pressure of greater and more poignant calamities.

Now mark the progression of the ministerial plan for enslaving us. Well aware that such hardy attempts to take our property from us, to deprive us of the valuable



right of trial by jury, to seize our persons and carry us for trial to Great Britain, to blockade our ports, to destroy our charters, and change our forms of government, would occasion, and had already occasioned, great discontent in the colonies, which might produce opposition to these measures; an act was passed to protect, indemnify, and screen from punishment, such as might be guilty even of murder, in endeavouring to carry their oppressive edicts into execution; and by another act the dominion of Canada is to be so extended, modelled, and governed, as that by being dis-united from us, detached from our interests by civil as well as religious prejudices, that by their numbers daily swelling with Catholic emigrants from Europe, and by their devotion to an administration so friendly to their religion, they might become formidable to us, and on occasion, be fit instruments in the hands of power to reduce the ancient, free Protestant colonies to the same state of slavery with themselves.

This was evidently the object of the act: and in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it, as hostile to British America. Superadded to these considerations, we cannot help deploring the unhappy condition to which it has reduced the many English settlers who, encouraged by the royal proclamation, promising the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of trial by jury, and when imprisoned, cannot claim the benefit of the *habeas corpus* act, that great bulwark and palladium of English liberty. Nor can we suppress our astonishment that a British parliament should ever consent to establish in that country a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder, and rebellion, through every part of the world.

This being a state of facts, let us beseech you to consider to what end they lead. Admit that the ministry, by the powers of Britain, and the aid of our Roman Catholic

neighbours, should be able to carry the point of taxation, and reduce us to a state of perfect humiliation and slavery: such an enterprise would doubtless make some addition to your national debt, which already presses down your liberties, and fills you with pensioners and placemen. We presume, also, that your commerce will somewhat be diminished. However, suppose you should prove victorious, in what condition will you then be? what advantages or what laurels will you reap from such a conquest? May not a ministry, with the same armies enslave you? it may be said, you will cease to pay them; but remember, the taxes from America, the wealth, and we may add the men, and particularly the Roman Catholics of this vast continent, will then be in the power of your enemies: nor will you have any reason to expect, that after making slaves of us, many among us should refuse to assist in reducing you to the same abject state.

Do not treat this as chimerical. Know that in less than half a century, the quit-rents reserved to the crown from the numberless grants of this vast continent, will pour large streams of wealth into the royal coffers. And if to this be added the power of taxing America at pleasure, the crown will be rendered independent of you for supplies, and will possess more treasure than may be necessary to purchase the remains of liberty in your island. In a word, take care that you do not fall into the pit that is preparing for us.

We believe there is yet much virtue, much justice, and much public spirit in the English nation. To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independence. Be assured that these are not facts, but calumnies. Permit us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory, and our greatest happiness; we shall ever be ready to contribute all in our power to the welfare of the empire; we shall consider

your enemies as our enemies, and your interest as our own.

But if you are determined that your ministers shall wantonly sport with the rights of mankind: if neither the voice of justice, the dictates of the law, the principles of the constitution, or the suggestions of humanity, can restrain your hands from shedding human blood in such an impious cause, we must then tell you, that we will never submit to be hewers of wood or drawers of water for any ministry or nation in the world.

Place us in the same situation that we were at the close of the last war, and our former harmony will be restored.

But lest the same supineness, and the same inattention to our common interest, which you have for several years shown, should continue, we think it prudent to anticipate the consequences.

By the destruction of the trade of Boston, the ministry have endeavoured to induce submission to their measures. The like fate may befall us all. We will endeavour, therefore, to live without trade, and recur for subsistence to the fertility and bounty of our native soil, which affords us all the necessaries, and some of the conveniences of life. We have suspended our importation from Great Britain and Ireland; and in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms, and the West Indies.

It is with the utmost regret, however, that we find ourselves compelled, by the overruling principles of self-preservation, to adopt measures detrimental in their consequences to numbers of our fellow-subjects in Great Britain and Ireland. But we hope that the magnanimity and justice of the British nation will furnish a parliament of such wisdom, independence, and public spirit, as may save the violated rights of the whole empire from the devices of wicked ministers and evil counsellors, whether in or out of office; and thereby restore that harmony, friendship, and

fraternal affection, between all the inhabitants of his majesty's kingdoms and territories, so ardently wished for by every true and honest American.

---

[No. II.]

CIRCULAR LETTER

FROM CONGRESS TO THEIR CONSTITUENTS.

FRIENDS AND FELLOW-CITIZENS,

In governments raised on the generous principles of equal liberty, where the rulers of the State are the servants of the people, and not masters of those from whom they derive authority ; it is their duty to inform their fellow-citizens of the state of their affairs, and by evincing the propriety of public measures, lead them to unite the influence of inclination to the force of legal obligation in rendering them successful. This duty ceases not, even in times of the most perfect peace, order, and tranquillity, when the safety of the commonwealth is neither endangered by force or seduction from abroad, or by faction, treachery, or misguided ambition from within. At this season, therefore, we find ourselves in a particular manner impressed with a sense of it, and can no longer forbear calling your attention to a subject much misrepresented, and respecting which dangerous, as well as erroneous opinions, have been held and propagated : we mean your finances.

The ungrateful despotism and inordinate lust of domination which marked the unnatural designs of the British king and his venal parliament to enslave the people of America, reduced you to the necessity of either asserting your rights by arms or ingloriously passing under the yoke. You nobly preferred war. Armies were then to be raised, paid, and supplied ; money became necessary for these purposes. Of your own there was but little ; and of no nation

in the world could you then borrow. The little that was spread among you could be collected only by taxes, and to this end regular governments were essential; of these you were also destitute. So circumstanced, you had no other resource but the natural value and wealth of your fertile country. Bills were issued on the credit of this bank, and your faith was pledged for their redemption. After a considerable number of these had circulated, loans were solicited, and offices for the purpose established. Thus a national debt was unavoidably created, and the amount of it is as follows :

Bills emitted and circulating - - - -	\$159,948,880
Moneys borrowed before the 1st of March, 1778, the interest of which is payable in France - - - - -	7,545,196 $\frac{6}{9}$ $\frac{7}{6}$
Moneys borrowed since the 1st of March, 1778, the interest of which is payable here	26,188,909
Money due abroad, not exactly known, the balances not having been transmitted, sup- posed to be about - - - - -	4,000,000

For your further satisfaction, we shall order a particular account of the several emissions, with the times limited for their redemption, and also of the several loans, the interest allowed on each, and the terms assigned for their payment, to be prepared and published.

The taxes have as yet brought into the treasury no more than \$3,027,560; so that all the moneys supplied to Congress by the people of America amount to no more than 36,761,665 dollars and 67-90ths, that being the sum of the loans and taxes received. Judge then of the necessity of emissions, and learn from whom and from whence that necessity arose.

We are also to inform you that on the first day of September instant we resolved, "that we would on no account whatever emit more bills of credit than to make the whole amount of such bills two hundred millions of dollars;" and as the sum emitted and in circulation amounted to

159,948,880 dollars, and the sum of 40,051,120 dollars remained to complete the two hundred million above mentioned, we on the third day of September instant further resolved, "that we would emit such part only of the said sum of 40,051,120 dollars as should be absolutely necessary for public exigences before adequate supplies could otherwise be obtained, relying for such supplies on the exertions of the several States."

Exclusive of the great and ordinary expenses incident to the war, the depreciation of the currency has so swelled the prices of every necessary article, and of consequence made such additions to the usual amount of expenditures, that very considerable supplies must be immediately provided by loans and taxes; and we unanimously declare it to be essential to the welfare of these States, that the taxes already called for be paid into the Continental treasury by the time recommended for that purpose. It is also highly proper that you should extend your views beyond that period, and prepare in season as well for bringing your respective quotas of troops into the field early the next campaign, as for providing the supplies necessary in the course of it. We shall take care to apprize you from time to time of the state of the treasury, and to recommend the proper measures for supplying it. To keep your battalions full, to encourage loans, and to assess your taxes with prudence, collect them with firmness, and pay them with punctuality, is all that will be requisite on your part. Further ways and means of providing for the public exigences are now under consideration, and will soon be laid before you.

Having thus given you a short and plain state of your debt, and pointed out the necessity of punctuality in furnishing the supplies already required, we shall proceed to make a few remarks on the depreciation of the currency, to which we entreat your attention.

The depreciation of bills of credit is always either natural, or artificial, or both. The latter is our case. The moment the sum in circulation exceeded what was necessary as a

medium in commerce, it began and continued to depreciate in proportion as the amount of the surplus increased ; and that proportion would hold good until the sum emitted should become so great as nearly to equal the value of the capital or stock on the credit of which the bills were issued. Supposing, therefore, that \$30,000,000 was necessary for a circulating medium, and that \$160,000,000 had issued, the natural depreciation is but little more than as 5 to 1 ; but the actual depreciation exceeds that proportion, and that excess is artificial. The natural depreciation is to be removed only by lessening the quantity of money in circulation. It will regain its primitive value whenever it shall be reduced to the sum necessary for a medium of commerce. This is only to be effected by loans and taxes.

The artificial depreciation is a more serious subject, and merits minute investigation. A distrust, however occasioned, entertained by the mass of the people, either in the ability or inclination of the United States to redeem their bills, is the cause of it. Let us inquire how far reason will justify a distrust in the ability of the United States.

The ability of the United States must depend upon two things : first, the success of the present revolution ; and secondly, on the sufficiency of the natural wealth, value, and resources of the country.

That the time has been when honest men might, without being chargeable with timidity, have doubted the success of the present revolution, we admit ; but that period is past. The independence of America is now as fixed as fate, and the petulant efforts of Britain to break it down are as vain and fruitless as the raging of the waves which beat against her cliffs. Let those who are still afflicted with these doubts consider the character and condition of our enemies. Let them remember that we are contending against a kingdom crumbling into pieces ; a nation without public virtue, and a people sold to and betrayed by their own representatives ; against a prince governed by his passions,

and a ministry without confidence or wisdom ; against armies half paid and generals half trusted ; against a government equal only to plans of plunder, conflagration, and murder—a government, by the most impious violations of the rights of religion, justice, humanity, and mankind, court-ing the vengeance of Heaven and revolting from the protection of Providence. Against the fury of these enemies you made successful resistance, when single, alone, and friendless, in the days of weakness and infancy, before your hands had been taught to war or your fingers to fight. And can there be any reason to apprehend that the Divine Disposer of human events, after having separated us from the house of bondage, and led us safe through a sea of blood towards the land of liberty and promise, will leave the work of our political redemption unfinished, and either permit us to perish in a wilderness of difficulties, or suffer us to be carried back in chains to that country of oppression, from whose tyranny he hath mercifully delivered us with a stretched-out arm ?

In close alliance with one of the most powerful nations in Europe, which has generously made our cause her own, in amity with many others, and enjoying the good-will of all, what danger have we to fear from Britain ? Instead of acquiring accessions of territory by conquest, the limits of her empire daily contract ; her fleets no longer rule the ocean, nor are her armies invincible by land. How many of her standards, wrested from the hands of her champions, are among your trophies, and have graced the triumphs of your troops ? And how great is the number of those who, sent to bind you in fetters, have become your captives, and received their lives at your hands ? In short, whoever considers that these States are daily increasing in power ; that their armies have become veteran ; that their governments, founded in freedom, are established ; that their fertile country and their affectionate ally furnish them with ample supplies ; that the Spanish monarch, well prepared



for war, with fleets and armies ready for combat, and a treasury overflowing with wealth, has entered the lists against Britain; that the other European nations, often insulted by her pride, and alarmed at the strides of her ambition, have left her to her fate; that Ireland, wearied with her oppressions, is panting for liberty; and even Scotland displeased and uneasy at her edicts: whoever considers these things, instead of doubting the issue of the war, will rejoice in the glorious, the sure, and certain prospect of success. This point being established, the next question is, whether the natural wealth, value, and resources of the country will be equal to the payment of the debt.

“Let us suppose, for the sake of argument, that at the conclusion of the war, the emissions should amount to 200,000,000; that, exclusive of supplies from taxes, which will not be inconsiderable, the loans should amount to 100,000,000, then the whole national debt of the United States would be 300,000,000. There are at present 3,000,000 of inhabitants in the thirteen States; three hundred millions of dollars, divided among three millions of people, would give to each person one hundred dollars; and is there an individual in America unable, in the course of eighteen or twenty years, to pay it again? Suppose the whole debt assessed, as it ought to be, on the inhabitants in proportion to their respective estates, what then would be the share of the poorer people? Perhaps not ten dollars. Besides, as this debt will not be payable immediately, but probably twenty years allotted for it, the number of inhabitants by that time in America will be far more than double their present amount. It is well known that the inhabitants of this country increased almost in the ratio of compound interest. By natural population they doubled every twenty years; and how great may be the host of emigrants from other countries, cannot be ascertained. We have the highest reason to believe the number will be immense. Suppose that only ten thousand should arrive the first year after the war,

what will those ten thousand, with their families, count in twenty years time? Probably double the number. This observation applies with proportionable force to the emigrants of every successive year. Thus, you see, great part of your debt will be payable, not merely by the present number of inhabitants, but by that number swelled and increased by the natural population of the present inhabitants, by multitudes of emigrants daily arriving from other countries, and by the natural population of those successive emigrants, so that every person's share of the debt will be constantly diminishing, by others coming to pay a proportion of it.

These are advantages which none but young countries enjoy. The number of inhabitants in every country in Europe remains nearly the same from one century to another. No country will produce more people than it can subsist; and every country, if free and cultivated, will produce as many as it can maintain. Hence we may form some idea of the future population of these States. Extensive wildernesses, now scarcely known or explored, remain yet to be cultivated, and vast lakes and rivers, whose waters have for ages rolled in silence and obscurity to the ocean, are yet to hear the din of industry, become subservient to commerce, and boast delightful villas, gilded spires, and spacious cities rising on their banks.

Thus much for the number of persons to pay the debt. The next point is their ability. They who inquire how many millions of acres are contained only in the settled part of North America, and how much each acre is worth, will acquire very enlarged, and yet very inadequate ideas of the value of this country. But those who will carry their inquiries further, and learn that we heretofore paid an annual tax to Britain of three millions sterling in the way of trade, and still grew rich; that our commerce was then confined to her; that we were obliged to carry our commodities to her market, and consequently sell them at her

price; that we were compelled to purchase foreign commodities at her stores, and on her terms, and were forbid to establish any manufactories incompatible with her views of gain; that in future the whole world will be open to us, and we shall be at liberty to purchase from those who will sell on the best terms, and to sell to those who will give the best prices; that as the country increases in number of inhabitants and cultivation, the production of the earth will be proportionably increased, and the riches of the whole proportionably greater:—whoever examines the force of these, and similar observations, must smile at the ignorance of those who doubt the ability of the United States to redeem their bills.

Let it also be remembered that paper money is the only kind of money which cannot “make to itself wings and fly away.” It remains with us, it will not forsake us, it is always ready and at hand for the purpose of commerce or taxes, and every industrious man can find it. On the contrary, should Britain, like Ninevah (and for the same reason), yet find mercy, and escape the storm ready to burst upon her, she will find her national debt in a very different situation. Her territory diminished, her people wasted, her commerce ruined, her monopolies gone, she must provide for the discharge of her immense debt by taxes, to be paid in specie, in gold or silver, perhaps now buried in the mines of Mexico or Peru, or still concealed in the brooks and rivulets of Africa or Indostan.

Having shown that there is no reason to doubt the ability of the United States to pay their debt, let us next inquire whether as much can be said for their inclination. Under this head three things are to be attended to:

1st. Whether, and in what manner, the faith of the United States has been pledged for the redemption of their bills.

2d. Whether they have put themselves in a political capacity to redeem them: and

3d. Whether, admitting the two former propositions,

there is any reason to apprehend a wanton violation of the public faith.

1st. It must be evident to every man who reads the journals of Congress, or looks at the face of one of their bills, that Congress have pledged the faith of their constituents for the redemption of them. And it must be equally evident, not only that they had authority to do so, but that their constituents have actually ratified their acts by receiving their bills, passing laws establishing their currency, and punishing those who counterfeit them. So that it may with truth be said that the people have pledged their faith for the redemption of them, not only collectively by their representatives, but individually.

2d. Whether the United States have put themselves in a political capacity to redeem their bills, is a question which calls for more full discussion.

Our enemies, as well foreign as domestic, have laboured to raise doubts on this head. They argue that the confederation of the States remains yet to be perfected; that the union may be dissolved, Congress be abolished, and each State resuming its delegated powers, proceed in future to hold and exercise all the rights of sovereignty appertaining to an independent state. In such an event, say they, the continental bills of credit, created and supported by the union, would die with it. This position being assumed, they next proceed to assert this event to be probable, and in proof of it urge our divisions, our parties, our separate interests, distinct manners, former prejudices, and many other arguments equally plausible, and equally fallacious. Examine this matter.

For every purpose essential to the defence of these States in the progress of the present war, and necessary to the attainment of the objects of it, these States now are as fully, legally, and absolutely confederated as it is possible for them to be. Read the credentials of the different delegates who composed the Congress in 1774, 1775, and part of

1776. You will find that they establish a union for the express purpose of opposing the oppressions of Britain, and obtaining redress of grievances. On the 4th of July, 1776, your representatives in Congress, perceiving that nothing less than unconditional submission would satisfy our enemies, did in the name of the people of the Thirteen United Colonies, declare them to be free and independent States; and “for the support of that declaration, with a firm reliance on the protection of Divine Providence, did mutually pledge to each other their LIVES, their FORTUNES, and their SACRED HONOUR.” Was ever confederation more formal, more solemn, or explicit? It has been expressly assented to, and ratified by every State in the Union. Accordingly, for the direct support of this declaration, that is, for the support of the independence of these States, armies have been raised, and bills of credit emitted, and loans made to pay and supply them. The redemption, therefore, of these bills, the payment of these debts, and the settlement of the accounts of the several States, for expenditures or services for the common benefit, and in this common cause, are among the objects of this confederation; and, consequently, while all or any of its objects remain unattained, it cannot, so far as it may respect such objects, be dissolved consistently with the laws of GOD or MAN.

But we are persuaded, and our enemies will find, that our union is not to end here. They are mistaken when they suppose us kept together only by a sense of present danger. It is a fact, which they only will dispute, that the people of these States were never so cordially united as at this day. By having been obliged to mix with each other, former prejudices have worn off, and their several manners become blended. A sense of common permanent interest, mutual affection (having been brethren in affliction), the ties of consanguinity daily extending, constant reciprocity of good offices, similarity in language, in governments, and therefore in manners, the importance, weight, and splendour

of the Union, all conspire in forming a strong chain of connexion, which must for ever bind us together. The United Provinces of the Netherlands, and the United Cantons of Switzerland, became free and independent under circumstances very like ours; their independence has been long established, and yet their confederacies continue in full vigour. What reason can be assigned why our Union should be less lasting? or why should the people of these States be supposed less wise than the inhabitants of those? You are not uninformed that a plan for a perpetual confederation has been prepared, and that twelve of the thirteen States have already acceded to it. But enough has been said to show that for every purpose of the present war, and all things incident to it, there does at present exist a perfect solemn confederation, and therefore, that the States now are, and always will be, in political capacity to redeem their bills, pay their debts, and settle their accounts.

3d. Whether, admitting the ability and political capacity of the United States to redeem their bills, there is any reason to apprehend a wanton violation of the public faith?

It is with great regret and reluctance that we can prevail upon ourselves to take the least notice of a question which involves in it a doubt so injurious to the honour and dignity of America.

The enemy, aware that the strength of America lay in the union of her citizens and the wisdom and integrity of those to whom they committed the direction of their affairs, have taken unwearied pains to disunite and alarm the people, to depreciate the abilities and virtue of their rulers, and to impair the confidence reposed in them by their constituents. To this end, repeated attempts have been made to draw an absurd and fanciful line of distinction between the Congress and the people, and to create an opinion and a belief that their interests and views were different and opposed. Hence the ridiculous tales, the invidious insinuations, and the whimsical suspicions that have been forged

and propagated by disguised emissaries and traitors in the garb of patriots. Hence has proceeded the notable discovery, that as the Congress made the money they also can destroy it, and that it will exist no longer than they find it convenient to permit it. It is not surprising that in a free country, where the tongues and pens of such people are and must be licensed, such political heresies should be inculcated and diffused; but it is really astonishing that the mind of a single virtuous citizen in America should be influenced by them. It certainly cannot be necessary to remind you, that your representatives here are chosen from among yourselves; that you are, or ought to be, acquainted with their several characters; that they are sent here to speak your sentiments, and that it is constantly in your power to remove such as do not. You surely are convinced that it is no more in their power to annihilate your money than your independence, and that any act of theirs for either of those purposes would be null and void.

We should pay an ill compliment to the understanding and honour of every true American, were we to adduce many arguments to show the baseness or bad policy of violating our national faith, or omitting to pursue the measures necessary to preserve it. A bankrupt, faithless republic would be a novelty in the political world, and appear among reputable nations like a common prostitute among chaste and respectable matrons. The pride of America revolts from the idea; her citizens know for what purpose these emissions were made, and have repeatedly plighted their faith for the redemption of them; they are to be found in every man's possession, and every man is interested in their being redeemed; they must therefore entertain a high opinion of American credulity who suppose the people capable of believing, on due reflection, that all America will, against the faith, the honour, and the interest of all America, be ever prevailed upon to countenance, support, or permit so ruinous, so disgraceful a measure.

We are convinced that the efforts and arts of our enemies will not be wanting to draw us into this humiliating and contemptible situation. Impelled by malice and the suggestions of chagrin and disappointment at not being able to bend our necks to their yoke, they will endeavour to force or seduce us to commit this unpardonable sin, in order to subject us to the punishment due to it, and that we may henceforth be a reproach and a byword among the nations. Apprized of these consequences, knowing the value of national character, and impressed with a due sense of the immutable laws of justice and honour, it is impossible that America should think without horror of such an execrable deed.

If, then, neither our ability or inclination to discharge the public debt is justly questionable, let our conduct correspond with this confidence, and let us rescue our credit from its present imputations. Had the attention of America to this object been unremitted, had taxes been seasonably imposed and collected, had proper loans been made, had laws been passed and executed for punishing those who maliciously endeavoured to injure the public credit,—had these and many other things equally necessary been done, and had our currency, notwithstanding all these efforts, declined to its present degree of depreciation, our case would indeed have been deplorable. But as these exertions have not been made, we may yet experience the good effects which naturally result from them. Our former negligences, therefore, should now animate us with hope, and teach us not to despair of removing, by vigilance and application, the evils which supineness and inattention have produced.

It has been already observed, that in order to prevent the further natural depreciation of our bills, we have resolved to stop the press, and to call upon you for supplies by loans and taxes. You are in capacity to afford them, and are bound by the strongest ties to do it. Leave us not, there-



fore, without supplies, nor let in that flood of evils which would follow from such a neglect. It would be an event most grateful to our enemies; and, depend upon it, they will redouble their artifices and industry to compass it. Be, therefore, upon your guard, and examine well the policy of every measure and the evidence of every report that may be proposed or mentioned to you before you adopt the one or believe the other. Recollect that it is the price of the liberty, the peace, and the safety of yourselves and posterity that now is required; that peace, liberty, and safety, for the attainment and security of which you have so often and so solemnly declared your readiness to sacrifice your lives and fortunes. The war, though drawing fast to a successful issue, still rages. Disdain to leave the whole business of your defence to your ally. Be mindful that the brightest prospects may be clouded, and that prudence bids us be prepared for every event. Provide, therefore, for continuing your armies in the field till victory and peace shall lead them home; and avoid the reproach of permitting the currency to depreciate in your hands when, by yielding a part to taxes and loans, the whole might have been appreciated and preserved. Humanity as well as justice makes this demand upon you. The complaints of ruined widows, and the cries of fatherless children, whose whole support has been placed in your hands and melted away, have doubtless reached you; take care that they ascend no higher. Rouse, therefore; strive who shall do most for his country; rekindle that flame of patriotism which, at the mention of disgrace and slavery, blazed throughout America and animated all her citizens. Determine to finish the contest as you began it, honestly and gloriously. Let it never be said, that America had no sooner become independent than she became insolvent, or that her infant glories and growing fame were obscured and tarnished by broken contracts and violated faith, in the very hour when all the na-

tions of the earth were admiring and almost adoring the splendour of her rising.

By the unanimous consent of Congress.

JOHN JAY, *President.*

Philadelphia, Sept. 13, 1779.

---

[No. III.]

BARBÉ DE MARBOIS TO COUNT DE VERGENNES.

Philadelphia, March 13th, 1782.

SIR,

South Carolina again enjoys the benefit of a legislative body, after having been deprived of it for two years; it was summoned together towards the latter end of last January, at Jacksonburg, only ten leagues distant from Charleston, where deliberations are carried on with as much tranquillity as if the State was in profound peace. Mr. Rutledge, who was the governor, opened the meeting with a speech greatly applauded, wherein he represents in their full extent the important services rendered by the king to the United States, expressing their just acknowledgment of the same. This sentiment prevails much, sir; the different States are eager to declare it in their public acts, and the principal members of government, and the writers employed by them would forfeit their popularity, were they to admit any equivocal marks respecting the alliance. General Greene affirms, that in no one State is attachment to independence carried to a higher pitch; but that this affection is yet exceeded by the hatred borne to England. The Assembly of Carolina is going to make levies of men, and has imposed pretty large sums; as there is but little money in the country, the taxes will be gathered in indigo, and what deficiency may then be found, will be supplied by the sale of lands of

such Carolinians as joined the enemy while they were in possession of the country. South Carolina was the only State that had not confiscated the property of the disaffected. The step just taken puts her on a footing with the other States in the Union. The Assembly of this State has passed a resolution, in consequence of which a purchase of land is to be made of the value of two hundred and forty thousand livres tournois, which Carolina makes a present to General Greene as the saviour of that province.

Mr. Matthews, a delegate from Congress, lately arrived in Carolina, has, it is said, been chosen governor in the room of Mr. Rutledge: he has communicated to the persons of most influence in this State, the ultimatum of the month of \* \* last, who approved of the clauses in general, and particularly that one which *leaves the king master of the terms of the treaty of peace, or truce*, excepting independence, and treaties of alliance. A delegate from South Carolina told me that this ultimatum was equally well known by persons of note in this State, and this had given entire satisfaction there. It is the same with regard to several other States; and I believe I may assure you, upon the testimony of several delegates, that this measure is approved by a great majority; but Mr. Samuel Adams is using all his endeavours to raise in the State of Massachusetts a strong opposition to peace, if the Eastern States are not thereby admitted to the fisheries, and particularly to that of Newfoundland. Samuel Adams delights in trouble and difficulty, and prides himself on forming an opposition against the government whereof he is himself the president. His aims and intentions are to render the minority of consequence, and at this very moment he is attacking the constitution of Massachusetts, although it is in a great measure his own work; but he had disliked it since the people had shown their uniform attachment to it.

It may be expected that with this disposition no measure can meet the approval of Mr. Samuel Adams; and if the

United States should agree relative to the fisheries, and be certain of partaking therein, all his measures and intrigues would be directed towards the conquest of Canada and Nova Scotia; but he could not have used a fitter engine than the fisheries for stirring up the passions of the eastern people. By renewing this question, which had lain dormant during his two years absence from Boston, he has raised the expectation of the people of Massachusetts to an extraordinary pitch. The public prints hold forth the importance of the fisheries; the reigning toast in the east is, *May the United States ever maintain their right to the fisheries*. It has been often repeated in the deliberations of the general court, *No truce without the fisheries*. However clear the principle may be in this matter, it would be needless and even dangerous to attempt informing the people through the public papers; but it appears to me possible to use means for preventing the consequences of success to Mr. S. Adams and his party, and I take the liberty of submitting these to your discernment and indulgence: one of those means would be for the king to cause it to be intimated to Congress or to the ministers, "his surprise that the Newfoundland fisheries have been included in the additional instructions; that the United States set forth therein pretensions *without paying regard to the king's rights*, and without considering the impossibility they are under of making conquests, and keeping *what belongs to Great Britain*."

His majesty might at the same time cause a promise to be given to Congress, "of his assistance for procuring admission to the other fisheries, and declaring, however, that he would not be answerable for the success, and that he is bound to nothing, as the treaty makes no mention of that article." This declaration being made before the peace, the hopes of the people could not be supported, nor could it one day be said, that we left them in the dark on this point. It were even to be wished that this declaration should be

made while New-York, Charleston, and Penobscot are in the enemy's hands ; our allies will be less *tractable* than ever upon these points whenever they recover these important posts. There are some judicious persons to whom one may speak of giving up the fisheries, and the ——\* of the west, for the sake of peace. But there are enthusiasts who fly out at this idea, and their numbers cannot fail increasing when, after the English are expelled from this continent, the burden of the war will scarcely be felt. It is already observable that the advocates for peace are those who live in the country. The inhabitants of towns whom commerce enriches, mechanics who receive there a higher pay than before the war, and five or six times more than in Europe, do not wish for it, but it is a happy circumstance that this division is nearly equal in the Congress and among the States, since *our influence* can incline the beam either for peace or war, whichever way we choose. Another means of *preserving to France* so important a branch of her commerce and navigation, is that proposed to you, sir, by M..... viz. the conquest of Cape Breton: it seems to me, as it does to that minister, the only sure means of containing within bounds, when peace is made, those swarms of smugglers who, without regard to treaties, will turn all their activity, daring spirit, and means towards the fisheries, whose undertakings Congress will not, perhaps, have the power or the will to suppress. If it be apprehended that the peace, which is to put an end to the present war, will prove disagreeable to any of the United States, there appears to me a certain method of guarding against the effects of this discontent, of preventing the declaration of some States, and other resources which turbulent minds might employ for availing themselves of the present juncture. This would be for his majesty to cause a memorial to be delivered to Congress, wherein should be stated the use

\* *Supposed lands.*

made by his ministers of the powers entrusted to them by that assembly ; and the impediments which may have stood in the way of a fuller satisfaction on every point. This step would certainly be pleasing to Congress ; and should it become necessary to inform the people of this memorial, it could easily be done ; they would be flattered by it, and it might probably beget the voice and concurrence of the public. I submit these thoughts to you early ; and although peace appears yet to be distant, sir, by reason of delays and difficulties attending the communication, that period will be a crisis when the partisans of France and England will openly appear, and when that power will employ every means to diminish *our influence* and re-establish her own : it is true, the independent party will always stand in great want of our support, that the fears and jealousies which a remembrance of the former government will always produce, must operate as the safeguard to our alliance, and as a security for the attachment of the Americans to us. But it is best to be prepared for any discontents, although it should be but temporary. It is remarked by some, that as England has other fisheries besides Newfoundland, she may perhaps endeavour that the Americans should partake in that of the Great Bank, in order to conciliate their affection, or procure them some compensation, or create a subject of jealousy between them and us ; but it does not seem likely that she will act so contrary to her true interest, and were she to do so, it will be for the better to have declared at an early period to the Americans, that their pretension is not founded, *and that his majesty does not mean to support it.*

I here enclose, sir, translations of the speech of the governor of South Carolina to the Assembly, and of their answer. These interesting productions convey, in a forcible manner, the sentiments of the inhabitants of that State, and appear to me worth communicating to you.

I am, &c.

BARBÉ DE MARBOIS.

## [No. IV.]

## ADDRESSES TO THE AMERICAN BIBLE SOCIETY.

---

*At the Annual Meeting, May 9, 1822.*

Our late worthy and munificent president having, since the last anniversary of the society, been removed to a better state, the board of managers were pleased to elect me to succeed him: and that the state of my health might cease to be an objection, they have also dispensed with my personal attendance. For the honour they have done me by both these marks of attention, it gives me pleasure to express my sincere and grateful acknowledgments. With equal sincerity I assure the society, that although restrained from active services by long continued maladies, and the increasing infirmities of age, my attachment to this institution, and my desire to promote the attainment of its great and important objects, remain undiminished.

Those great and important objects have, on former anniversaries of this and similar societies, been so comprehensively and eloquently elucidated by gentlemen of signal worth and talents, as that it would neither be a necessary nor an easy task to give them additional illustration. So interesting, however, are the various topics which bear a relation to the purposes for which we have associated, that it cannot be useless, nor, on these occasions, unseasonable, to reiterate our attention to some of them.

There is reason to believe that the original, and the subsequent fallen state of man; his promised redemption from the latter, and the institution of sacrifices having reference to it, were well known to many of every antediluvian generation. That these great truths were known to Noah, appears from the Divine favour he experienced; from his

being a preacher of righteousness; and from the time, and the description of the sacrifices which he offered. That he carefully and correctly communicated this knowledge to his children, is to be presumed from his character and longevity.

After the astonishing catastrophe at Babel, men naturally divided into different associations, according to their languages; and migrating into various regions, multiplied into distinct nations. Tradition, doubtless, still continued to transmit these great truths from generation to generation; but the diminution of longevity, together with the defects and casualties incident to tradition, gradually rendered it less and less accurate. These important truths thus became, in process of time, disfigured, obscure, and disregarded. Custom and usage continued the practice of sacrifices, but the design of their institution ceased to be remembered. Men "sought out many inventions," and true religion was supplanted by fables and idolatrous rites. Their mythology manifests the inability of *mere* human reason, even when combined with the learning of Egypt, and the philosophy of Greece and Rome, to acquire the knowledge of our actual state and future destiny, and of the conduct proper to be observed in relation to both.

By the merciful interposition of Providence, early provision was made for preserving these great truths from universal oblivion; and for their being ultimately diffused throughout the world. They were communicated to Abraham. He was also favoured with additional information relative to the expected redemption, and with a promise that the Redeemer should be of his family. That family was thenceforth separated and distinguished from others, and on becoming a nation, was placed under theocratic government. To that family and nation, the Divine oracles and revelations were committed; and such of them as Infinite Wisdom deemed proper for the future instruction of every nation, were recorded and carefully preserved.



By those revelations, the promise and expectation of redemption were from time to time renewed, and sundry distinctive marks and characteristic circumstances of the Redeemer predicted. The same merciful Providence has also been pleased to cause every material event and occurrence respecting our Redeemer, together with the gospel he proclaimed, and the miracles and predictions to which it gave occasion, to be faithfully recorded and preserved for the information and benefit of all mankind.

All these records are set forth in the Bible which we are distributing; and from them it derives an incalculable degree of importance; for as every man must soon pass through his short term of existence here, into a state and life of endless duration, the knowledge necessary to enable him to prepare for *such* a change cannot be too highly estimated.

The gospel was no sooner published, than it proceeded to triumph over obstacles which its enemies thought insurmountable, and numerous heathen nations rendered joyful "obedience to the faith." Well-known events afterward occurred, which impeded its progress, and even contracted the limits of its sway. Why those events were permitted, and why the conversion of the great residue of the Gentiles was postponed, has not been revealed to us. The Scriptures inform us, that the coming in of the fulness of the Gentiles will not be accomplished while Jerusalem shall continue to be trodden down by them. As a distant future period appears to have been allotted for its accomplishment, so a distant future season was doubtless assigned for its effectual commencement. Although the time appointed for the arrival of that season cannot be foreseen, yet we have reason to presume that its approach, like the approach of most other seasons, will be preceded and denoted by appropriate and significant indications. As the conversion of the Gentiles is doubtless to be effected by the instrumentality of Christian nations, so these will doubtless be

previously prepared and qualified for that great work ; and their labour in it be facilitated by the removal or mitigation of obstructions and difficulties. The tendency which certain recent events have to promote *both* these purposes, gives them the aspect of such indications.

Great and multifarious were the calamities inflicted on the nations of Europe by their late extensive war ; a war of longer duration, and in the course of which more blood and tears were shed—more rapacity and desolation committed—more cruelty and perfidy exercised—and more national and individual distress experienced, than in any of those which are recorded in modern history. During the continuance, and on the conclusion of such a war, it was natural to expect, that the pressure of public and personal dangers and necessities would have directed and limited the thoughts, cares and efforts of rulers and people to their existing exigences ; and to the means necessary to acquire security, to repair waste, and terminate privations.

Yet, strange as it may appear, desires, designs, and exertions of a very different kind, mingled with these urgent temporal cares. The people of Great Britain formed, and have nobly supported their memorable Bible Society. Their example has been followed, not only by the people of this country, but also by nations who had not yet obliterated the vestiges of war and conflagration. At no former period have the people of Europe and America instituted so many associations for diffusing and impressing the knowledge and influence of the gospel, and for various other charitable and generous purposes, as since the beginning of the present century. These associations comprehend persons of every class ; and their exemplary zeal and philanthropy continue to incite feelings and meditations well calculated to prepare us all for the great work before mentioned. We have also lived to see some of the *obstructions* to it removed, and some of its *difficulties* mitigated.

Throughout many generations there have been professing

Christians, who, under the countenance and authority of their respective governments, treated the heathen inhabitants of certain countries in Africa as articles of commerce; taking and transporting multitudes of them, like beasts of burden, to distant regions; to be sold, and to toil and die in slavery. During the continuance of such a traffic, with what consistence, grace, or prospect of success, could such Christians send missionaries to present the Bible, or preach the Christian doctrines of brotherly kindness and charity to the people of those countries?

So far as respects Great Britain and the United States, that obstacle has been removed; and other Christian nations have partially followed their example. Although similar circumstances expose some of them to an opposition like that which Great Britain experienced, it is to be hoped that an overruling Providence will render it equally unsuccessful. I allude to the territorial and personal concerns which prompted the opposition with which the advocates for the act of abolition had to contend. It will be recollected that many influential individuals deeply interested in the slave-trade, together with others who believed its continuance to be indispensable to the prosperity of the British West India Islands, made strenuous opposition to its abolition, even in the British parliament. Delays were caused by it, but considerations of a higher class than those which excited the opposition, finally prevailed, and the parliament abolished that detestable trade. Well-merited honour was thereby reflected on the Legislature; and particularly on that excellent and celebrated member of it, whose pious zeal and unwearied perseverance were greatly and conspicuously instrumental to the removal of that obstacle. Their example, doubtless, has weight with those other nations who are in a similar predicament, and must tend to encourage them to proceed and act in like manner.

Although an immense heathen population in India was under the dominion, control, and influence of a Christian

nation, yet it was deemed better policy to leave them in blindness than to risk incurring the inconveniences which might result from authorizing or encouraging attempts to relieve them from it. This policy has at length met with the neglect it deserved. The gospel has been introduced into India, under the auspices of the British government; and various means are co-operating to advance its progress, and hasten the time when the King of saints will emancipate that people from the domination of the prince of darkness.

The languages of the heathen nations in general being different from those of Christian nations, neither their Bibles could be read, nor their missionaries be understood by the former. To obviate and lessen these difficulties, numerous individuals have been induced to learn those languages; and the Bible has already been translated into many of them. Provision has been made for educating heathen youth, and qualifying them for becoming missionaries. Schools have also been established in heathen countries, and are preparing the rising generation to receive and to diffuse the light of the gospel.

The mere tendency of these events to promote the coming in of the Gentiles, affords presumptive evidence of their being genuine indications of the approach of the season assigned for it—or, in other words, that they are providential. This evidence becomes more than presumptive, when combined with that which the few following inquiries and remarks bring into view.

Whence has it come to pass that Christian nations, who for ages had regarded the welfare of heathens with indifference, and whose intercourse with them had uniformly been regulated by the results of political, military, and commercial calculations, have recently felt such new and unprecedented concern for the salvation of their souls, and have simultaneously concurred in means and measures for that purpose? Whence has it come to pass that so many indi-

viduals, of every profession and occupation, who in the ordinary course of human affairs confine their speculations, resources, and energies to the acquisition of temporal prosperity for themselves and families, have become so ready and solicitous to supply idolatrous strangers in remote regions with the means of obtaining eternal felicity? Who has "opened their hearts to attend" to such things?

It will be acknowledged that worldly wisdom is little conversant with the transcendent affairs of that kingdom which is not of *this* world; and has neither ability to comprehend, nor inclination to further them. To what adequate cause, therefore, can these extraordinary events be attributed, but to the wisdom that cometh from *above*? If so, these events authorize us to conclude, that the Redeemer is preparing to take possession of the great remainder of his heritage, and is inciting and instructing his servants to act accordingly. The duties which this conclusion proclaims and inculcates, are too evident and well known to require particular enumeration.

Not only Bible Societies, but also the various other societies who in different ways are forwarding the great work in question, have abundant reason to rejoice and be thankful for the blessings which have prospered their endeavours. We of this society in particular cannot fail to participate largely in this gratitude and joy; especially when we reflect on the beneficent and successful exertions of our late meritorious president to establish and support it—on the number of our auxiliaries and members—on the continuance and amount of their contributions—and on the fidelity and prudence with which our affairs have been managed.

Let us therefore persevere steadfastly in distributing the Scriptures far and near, and without note or comment. We are assured that they "are profitable for doctrine, for reproof, for correction, for instruction in righteousness." They comprise the inestimable writings by which the inspired apostles, who were commanded to preach the *gospel*

to *all* people, have transmitted it, through many ages, down to our days. The apostles were opposed in preaching the gospel, but they nevertheless persisted. We are opposed in dispensing the Scriptures which convey the knowledge of it; and let us follow their example. An eminent ancient counsellor gave excellent advice to *their* adversaries; and his reasoning affords salutary admonition to *our* opponents. That advice merits attention, and was concluded in the following memorable words.

“Refrain from these men, and let them alone; for if this counsel or this work be of men, it will come to naught; but if it be of God, ye cannot overthrow it; lest haply ye be found even to fight against God.”

---

*At the Annual Meeting, May 8, 1823.*

GENTLEMEN,

It gives me pleasure to observe that this anniversary, like the preceding, brings with it tidings which give us occasion for mutual gratulations, and for united thanksgivings to Him whose blessings continue to prosper our proceedings.

These annual meetings naturally remind us of the purposes for which we have associated; and lead us to reflections highly interesting to those who consider what and where we are, and what and where we are to be.

That all men, throughout all ages, have violated their allegiance to their great Sovereign, is a fact to which experience and revelation bear ample and concurrent testimony. The Divine attributes forbid us to suppose, that the Almighty Sovereign of the universe will permit any province of His empire to remain for ever in a state of revolt. On the contrary, the sacred Scriptures assure us, that it shall not only be reduced to obedience, but also be so purified and improved, as that righteousness and felicity shall dwell and abide in it.

Had it not been the purpose of God, that His will should be done on earth as it is done in heaven, He would not have commanded us to pray for it. That command implies a prediction and a promise that in due season it shall be accomplished. If therefore the will of God is to be done on earth as it is done in heaven, it must undoubtedly be known throughout the earth, before it can be done throughout the earth; and consequently, He who has decreed that it shall be so done, will provide that it shall be so known.

Our Redeemer having directed that the gospel should be preached throughout the world, it was preached accordingly; and being witnessed from on high, "with signs and wonders, and with divers miracles and gifts of the Holy Ghost," it became preponderant, and triumphant, and effulgent. But this state of exaltation, for reasons unknown to us, was suffered to undergo a temporary depression. A subsequent period arrived, when the pure doctrines of the gospel were so alloyed by admixtures, and obscured by appendages, that its lustre gradually diminished, and like the fine gold mentioned by the prophet, it became dim.

Since the Reformation, artifice and error have been losing their influence on ignorance and credulity, and the gospel has been resuming its purity. We now see Christians, in different countries, and of different denominations, spontaneously and cordially engaged in conveying the Scriptures, and the knowledge of salvation, to the heathen inhabitants of distant regions. So singular, impressive, and efficient is the impulse which actuates them, that without the least prospect of earthly retribution, they cheerfully submit to such pecuniary contributions, such appropriations of time and industry, and, in many instances, to such hazards and privations, and such derelictions of personal comfort and convenience, as are in direct opposition to the propensities of human nature.

Can such extraordinary and unexampled undertakings possibly belong to that class of enterprises, which we are

at liberty to adopt or decline as we please ; enterprises which no duty either commands or forbids ? This is more than a mere speculative question ; and therefore the evidence respecting the character and origin of these undertakings cannot be too carefully examined, and maturely weighed ; especially as this evidence is accumulating, and thereby acquiring additional claims to serious attention.

We observe a strange and general alteration in the feelings of Christians towards the heathen ; and one still more strange and unprecedented has taken place in their feelings towards the *Jews* ; feelings very different from those which for so many centuries have universally prevailed. Although, as it were, *sifted* over all nations, yet, unlike the drops of rain which blend with the waters on which they fall, these scattered exiles have constantly remained in a state of separation from the people among whom they were dispersed ; obstinately adhering to their peculiarities, and refusing to coalesce with them. By thus fulfilling the prophecies, every Jew is a living witness to their truth.

The same prophecies declare, that a time will come when all the twelve tribes shall be restored to their country, and be a praise in the earth : but the precise time is not specified. By declaring that “ blindness in part hath happened unto Israel, *until* the fulness of the Gentiles be come in, and that Jerusalem shall be trodden down of the Gentiles *until* the times of the Gentiles be fulfilled,” they lead us to conclude, that their blindness will not be sooner removed, and therefore that their conversion is not to be sooner expected. Individual Jews have, from time to time, been relieved from their blindness, and become Christians ; and there are expressions in the Scriptures, which favour the prevailing opinion, that the conversion of a large portion, and perhaps of the whole tribe of Judah, may precede that of the other tribes. They are now experiencing less oppression, less contempt, and more compassion than formerly. Their obduracy is softening, and their prejudices abating.



These changes have the appearance of incipient preparatives for their conversion.

Besides these recent changes in favour of the heathen and the Jews, another has taken place in the disposition and feelings of our people towards the many savage nations who still remain within our limits. The policy formerly observed towards them, together with our rapid population, increased their necessities, but not our endeavours to alleviate them. This indifference has latterly been yielding to a general sympathy for their wretchedness, and to a desire to ameliorate their condition. For this laudable purpose, our government has wisely and virtuously adopted measures for their welfare ; and benevolent societies and pious individuals are using means to introduce among them the benefits of civilization and Christianity.

Nor are these the only events and changes which are facilitating the distribution, and extending the knowledge of the Scriptures. For a long course of years, many European nations were induced to regard toleration as pernicious, and to believe that the people had no right to think and judge for themselves respecting religious tenets and modes of worship. Hence it was deemed advisable to prohibit their reading the Bible, and to grant that privilege only to persons of a certain description. Intolerance is passing away, and in France, where it formerly prevailed, Bible Societies have been established by permission of the government, and are proceeding prosperously, under the auspices of men high in rank, in character, and in station.

From the nature, the tendency, and the results of these recent and singular changes, events, and institutions ; from their coincidence, and admirable adjustment, as means for making known the Holy Scriptures, and inculcating the will of their Divine and merciful Author, throughout the world ; and from the devotedness with which they are carrying into operation, there is reason to conclude that they

have been produced by Him in whose hands are the hearts of all men.

If so, we are engaged in His service ; and that consideration forbids us to permit our ardour or exertions to be relaxed or discouraged by attempts to depreciate our motives, to impede or discredit our proceedings, or to diminish our temporal resources. The Scriptures represent Christians as being engaged in a spiritual warfare, and, therefore, both in their associated and individual capacities, they are to expect and prepare for opposition. On the various inducements which prompt this opposition, much might be said ; though very little, if any thing, that would be new. The present occasion admits only of general and brief remarks, and not of particular and protracted disquisitions.

Whatever may be the characters, the prejudices, the views, or the arts of our opponents, we have only to be faithful to our Great Leader. They who march under the banners of EMMANUEL have God with them ; and consequently have nothing to fear.

---

*At the Annual Meeting, May 13th, 1824.*

GENTLEMEN,

We have the satisfaction of again observing, that by the blessing of Providence on the zeal of our fellow-citizens, and on the fidelity, diligence, and prudence with which our affairs are conducted, they continue in a state of progressive improvement. The pleasure we derive from it is not a little increased by the consideration, that we are transmitting essential benefits to multitudes in various regions, and that the value and important consequences of these benefits extend and will endure beyond the limits of time. By so doing, we render obedience to the commandment by which He who "made of one blood all nations of men," and established a fraternal relation between the individuals of the human race, hath made it their duty to love and be kind to one another.

We know that a great proportion of mankind are ignorant of the revealed will of God, and that they have strong claims to the sympathy and compassion which we, who are favoured with it, feel and are manifesting for them. To the most sagacious among the heathen it must appear wonderful and inexplicable that such a vicious, suffering being as man should have proceeded in such a condition from the hands of his Creator. Having obscure and confused ideas of a future state, and unable to ascertain how far justice may yield to mercy or mercy to justice, they live and die (as our heathen ancestors did) involved in darkness and perplexities.

By conveying the Bible to people thus circumstanced we certainly do them a most interesting act of kindness. We thereby enable them to learn, that man was originally created and placed in a state of happiness, but, becoming disobedient, was subjected to the degradation and evils which he and his posterity have since experienced. The Bible will also inform them, that our gracious Creator has provided for us a Redeemer, in whom all the nations of the earth should be blessed—that this Redeemer has made atonement “for the sins of the whole world,” and thereby reconciling the Divine justice with the Divine mercy, has opened a way for our redemption and salvation; and that these inestimable benefits are of the free gift and grace of God, not of our deserving, nor in our power to deserve. The Bible will also animate them with many explicit and consoling assurances of the divine mercy to our fallen race, and with repeated invitations to accept the offers of pardon and reconciliation. The truth of these facts and the sincerity of these assurances being unquestionable, they cannot fail to promote the happiness of those by whom they are gratefully received, and of those by whom they are benevolently communicated.

We have also the satisfaction of observing that the condition of the church continues to improve. When at certain periods subsequent to the Reformation discordant

opinions on ecclesiastical subjects began to prevail, they produced disputes and asperities which prompted those who embraced the same peculiar opinions to form themselves into distinct associations or sects. Those sects not only permitted Christian fraternity with each other to be impaired by coldness, reserve, and distrust, but also, on the occurrence of certain occasions, proceeded to alternate and culpable acts of oppression. Even their endeavours to increase the number of Christians were often too intimately connected with a desire to increase the number of their adherents; and hence they became more solicitous to repress competition than to encourage reciprocal respect and good-will.

These prejudices, however, have gradually been giving way to more laudable feelings. By the progress of civilization and useful knowledge many individuals became better qualified to distinguish truth from error, and the diffusion of their reasonings among the people enabled them to judge and to act with less risk of committing mistakes. Since the rights of man and the just limits of authority in church and state have been more generally and clearly understood, the church has been less disturbed by that zeal which "is not according to knowledge;" and liberal sentiments and tolerant principles are constantly enlarging the sphere of their influence.

To the advantages which the church has derived from the improved state of society, may be added those which are resulting from the institution of Bible Societies. With whatever degree of tenacity any of the sects may adhere to their respective peculiarities, they all concur in opinion respecting the Bible, and the propriety of extensively distributing it without note or comment. They therefore readily become members of Bible societies, and in that capacity freely co-operate. Their frequent meetings and consultations produce an intercourse which affords them numerous opportunities of forming just estimates of one another, and of perceiving that prepossessions are not

always well founded. This intercourse is rendered the more efficient by the great and increasing number of clerical members from dissimilar denominations. Convinced by observation and experience that persons of great worth and piety are attached to sects different from their own, the duties of their vocation, and their respectable characters, naturally incline them to recommend and encourage Christian friendliness.

It is well known, that both cathedrals and meeting-houses have heretofore exhibited individuals who have been universally and justly celebrated as real and useful Christians ; and it is also well known, that at present not a few, under similar circumstances and of similar characters, deserve the like esteem and commendation. As *real* Christians are made so by Him without whom we “ can do nothing,” it is equally certain that He receives them into His family, and that in *His* family mutual love and uninterrupted concord never cease to prevail. There is no reason to believe or suppose that this family will be divided into separate classes, and that separate apartments in the mansions of bliss will be allotted to them according to the different sects from which they had proceeded.

These truths and considerations direct our attention to the *new* commandment of our Saviour, that his disciples “ do love one another :” although an anterior commandment required, that, “ as we had opportunity,” we should “ do good unto all men ;” yet this *new* one makes it our duty to do so “ especially to the household of faith.” In the early ages of the church, Christians were highly distinguished by their obedience to it ; and it is to be regretted that the conduct of too many of their successors has, in this respect, been less worthy of imitation.

Our days are becoming more and more favoured and distinguished by new and unexpected accessions of strength to the cause of Christianity. A zeal unknown to many preceding ages has recently pervaded almost every Christian country, and occasioned the establishment of institutions

well calculated to diffuse the knowledge and impress the precepts of the gospel both at home and abroad. The number and diversity of these institutions, their concurrent tendency to promote these purposes, and the multitudes who are cordially giving them aid and support, are so extraordinary, and so little analogous to the dictates of human propensities and passions, that no adequate cause can be assigned for them but the goodness, wisdom, and will of **HIM** who made and governs the world.

We have reason to rejoice that such institutions have been so greatly multiplied and cherished in the United States; especially as a kind Providence has blessed us, not only with peace and plenty, but also with the full and secure enjoyment of our civil and religious rights and privileges. Let us, therefore, persevere in our endeavours to promote the operation of these institutions, and to accelerate the attainment of their objects. Their unexampled rise, progress, and success in giving light to the heathen, and in rendering Christians more and more "obedient to the faith," apprise us that the great Captain of our salvation is going forth, "conquering and to conquer," and is directing and employing these means and measures for that important purpose. They, therefore, who enlist in His service, have the highest encouragement to fulfil the duties assigned to their respective stations; for most certain it is, that those of His followers who steadfastly and vigorously contribute to the furtherance and completion of His conquests, will also participate in the transcendent glories and blessings of **HIS TRIUMPH**.

---

*At the Annual Meeting, May 12, 1825.*

GENTLEMEN,

You have the satisfaction of perceiving, from the report of the board of managers, that the prosperous and promising state of our affairs continues to evince the laudable

and beneficial manner in which they have been constantly conducted.

We have to regret that the pleasing reflections and anticipations suggested by these auspicious circumstances, are mingled with the sorrow which the recent death of our late worthy and beloved Vice-president has caused, and widely diffused. Our feelings are the more affected by it, as the benefits we have derived from his meritorious and incessant attention to all our concerns have constantly excited both our admiration and our gratitude.

As the course of his life was uniformly under the direction of true religion and genuine philanthropy, it forbids us to doubt of his being in a state of bliss, and associated with "the spirits of just men made perfect." Notwithstanding this consoling consideration, his departure will not cease to be lamented by this society, nor by those of his other fellow-citizens on whom his patriotic services, his exemplary conduct, and his disinterested benevolence, have made correspondent impressions.

But the loss we have sustained by this afflicting event should not divert our thoughts from subjects which bear a relation to the design of our institution, and consequently to the purpose for which we annually assemble.

It may not therefore be unseasonable to remark, that the great objects of the Bible, and the distribution of it, *without note or comment*, suggest sundry considerations which have claims to attention.

Christians know that man is destined for two worlds—the one of transient, and the other of perpetual duration; and that his welfare in both depends on his acceptance and use of the means for obtaining it, which his merciful Creator has for that purpose appointed and ordained. Of these inestimable and unmerited blessings the greater proportion of the human race are yet to be informed; and, to that end, we are communicating the same to them exactly in that state in which, by the direction and inspiration of their Divine Author, they were specified and recorded in the

Bible, which we are distributing without note or comment.

As these gracious dispensations provide for our consolation under the troubles incident to a state of probation in this life, and for our perfect and endless felicity in the next, no communications can be of higher or more general interest. Wherever these dispensations become known and observed, they not only prepare men for a better world, but also diminish the number and pressure of those sufferings which the corrupt propensities and vicious passions of men prompt them to inflict on each other; and which sufferings are of greater frequency and amount than those which result from other causes.

Time and experience will decide whether the distribution of the Bible, without note or comment, will have any, and what effect, on the progress of the gospel. Hitherto nothing unfavourable to this course of proceeding has occurred; and the expedience of it continues to derive a strong argument from its tendency to decrease the inconveniences which usually attend the circulation of discordant comments. Whenever any questionable opinions relative to any Scripture doctrine meet with zealous advocates, and with zealous opponents, they seldom fail to excite the passions as well as the mental exertions of the disputants. Controversies like these are not always conducted with moderation and delicacy, nor have they been uniformly consistent with candour and charity. On the contrary, the ardour with which the parties contend for victory frequently generates prejudices; and insensibly renders them more anxious to reconcile the Scriptures to their reasonings, than their reasonings to the Scriptures. The doubts and perplexities thereby disseminated are not favourable to those whose faith is not yet steadfast, nor to those who from temperament or imbecility are liable to such impressions.

These remarks, however, are far from being applicable to those excellent and instructive comments which have been written by authors of eminent talent, piety, and pru-



dence ; and which have been received with general and well-merited approbation.

It is to be regretted that comments of a very different character and description have caused errors to germinate and take root in Christian countries. Some of these were fabricated by individuals, who, finding that they could not carry their favourite propensities and habits with them through the "narrow way" prescribed by the gospel, endeavoured to discredit Christianity by objections which exhibit stronger marks of disingenuous, than of correct and candid reasoning. By artfully and diligently encouraging defection from Scripture, and from Scripture doctrines, they gradually introduced and spread that contempt for both, which in the last century was publicly displayed in impious acts of profaneness, and in dreadful deeds of ferocity. These atrocities repressed the career of infidelity, and infidels thereupon became less assuming, but not less adverse.

Even among professing Christians, and of distinct denominations, there are not a few of distinguished attainments and stations who have sedulously endeavoured so to interpret and paraphrase certain passages in the Bible, as to render them congruous with peculiar opinions, and auxiliary to particular purposes.

Certain other commentators, doubtless from a sincere desire to increase Christian knowledge by luminous expositions of abstruse subjects, have attempted to penetrate into the recesses of profound mysteries, and to dispel their obscurity by the light of reason. It seems they did not recollect that *no man can explain what no man can understand*. Those mysteries were revealed to our faith, to be believed on the credit of Divine testimony ; and were not addressed to our mental abilities for explication. Numerous objects which include mysteries daily occur to our senses. We are convinced of their existence and reality, but of the means and processes by which they become what they are, and operate as they do, we all continue ignorant. Hence

it may rationally be concluded, that the mysteries of the *spiritual* world are still farther remote from the limited sphere of human perspicacity.

Among the biblical critics, there are some who have incautiously intermingled their learned and judicious investigations with enigmatical subtleties and hypothetical speculations, which tend more to engender doubts and disputes than to produce real edification.

Additional animadversions on this subject would be superfluous: nor can it be necessary to examine, whether an indiscriminate circulation of comments would merit or meet with general approbation. They who think it advisable that comments should accompany the Bible, doubtless prefer and intend what in their opinion would be a judicious, limited, and exclusive selection of them. It is well known that, composed as this and other Bible societies are, such a selection could not be formed by them with requisite unanimity. They therefore wisely declined disturbing their union by attempting it, and very prudently concluded to distribute the Bible without any other comments than those which result from the illustrations which different parts of it afford to each other. Of this no individuals have reason to complain, especially as they are perfectly at liberty to circulate their favourite authors as copiously and extensively as they desire or think proper.

Our Redeemer commanded his apostles to preach the gospel to every creature: to that end it was necessary that they should be enabled to understand and to preach it correctly, and to demonstrate its Divine origin and institution by incontestible proofs. The Old Testament, which contained the promises and prophecies respecting the Messiah, was finished at a period antecedent to the coming of our Saviour, and therefore afforded no information nor proof of his advent and subsequent proceedings. To qualify the apostles for their important task, they were blessed with the direction and guidance of the Holy Spirit, and by him were enabled to preach the gospel with concordant accu-

racy, and in divers languages: they were also endued with power to prove the truth of their doctrine, and of their authority to preach it, by wonderful and supernatural signs and miracles.

A merciful Providence also provided that some of these inspired men should commit to writing such accounts of the gospel, and of their acts and proceedings in preaching it, as would constitute and establish a *standard* whereby future preachers and generations might ascertain what they ought to believe and to do; and be thereby secured against the danger of being misled by the mistakes and corruptions incident to tradition. The Bible contains these writings, and exhibits such a connected series of the Divine revelations and dispensations respecting the present and future state of mankind, and so amply attested by internal and external evidence, that we have no reason to desire or expect that further miracles will be wrought to confirm the belief and confidence which they invite and require.

On viewing the Bible in this light, it appears that an extensive and increasing distribution of it has a direct tendency to facilitate the progress of the gospel throughout the world. That it will proceed, and in due time be accomplished, there can be no doubt; let us therefore continue to promote it with unabated zeal, and in full assurance that the omnipotent Author and Protector of the gospel will not suffer his gracious purposes to be frustrated by the arts and devices, either of malignant "principalities and powers," or of "spiritual wickedness in high places."

---

[ No. V. ]

A PRAYER.\*

Most merciful Father! who desirest not the death of a sinner, but will have all men to be saved and to come to

\* This prayer was found in Mr. Jay's handwriting, among his papers.

the knowledge of the truth, give me grace so to draw nigh unto thee as that thou wilt condescend to draw nigh unto me ; and enable me to offer unto thee, through thy beloved Son, supplications and thanksgivings acceptably.

I thank thee for my creation, and for causing me to be born in a time and land blessed with the light of thy holy gospel. I thank thee for the excellent parents thou didst give me, and for prolonging their lives and affections for me to a good old age. I thank thee for the education, good examples, and counsels wherewith thou hast favoured me ; and for the competent provision thou hast always made for me as to the things of this world. I thank thee for preserving me through the dangers, troubles, and sicknesses I have experienced—for thy long-continued patience with me, and for the manifold blessings, spiritual and temporal, which thou hast vouchsafed unto me. I thank thee for my children—for thy kind providence over them—for their doing and promising to do well—and for the comforts which through them I receive from thy goodness.

Above all, I thank thee for thy mercy to our fallen race, as declared in thy holy gospel by thy beloved Son, “who gave himself a ransom for all.” I thank thee for the gift of thy Holy Spirit, and for thy goodness in encouraging us all to ask it. I thank thee for the hope of remission of sins, of regeneration, and of life and happiness everlasting, through the merits and intercession of our Saviour. I thank thee for having admitted me into the covenant of this grace and mercy by baptism ; for reminding me of its duties and privileges, and for the influences of thy Holy Spirit with which thou hast favoured me.

Enable me, merciful Father ! to understand thy holy gospel aright, and to distinguish the doctrines thereof from erroneous expositions of them ; and bless me with that fear of *offending* thee, which is the beginning of wisdom. Let thy Holy Spirit purify and unite me to my Saviour for ever, and enable me to cleave unto him as unto my very life, as indeed he is. Perfect and confirm my faith, my trust, and

hope of salvation in him and in him only. Wean me from undue and unseasonable attachments and attentions to the things of this transitory world, and raise my thoughts, desires, and affections continually unto thee, and to the blessings of the better and eternal world which is to succeed this.

Protect me from becoming a prey to temptations to evil, cause the new and spiritual life which of thy goodness thou hast begun in me, to increase daily in growth and strength, by that spiritual bread which cometh down from heaven, even thy holy and beloved Son, who of thee is made unto us wisdom, and righteousness, and sanctification, and redemption: by whose precious blood atonement hath been made for the sins of the world, and especially of penitent believers. Establish my faith in that great atonement, and my gratitude for it. And I thank thee for giving me grace and opportunities to partake in thy holy communion, instituted in remembrance of our Saviour, and of that great atonement. Prepare me to partake thereof again, more worthily and more to the edification of my soul.

Be pleased to impress my heart and mind with a deep and permanent sense and recollection of the manifold and unmerited blessings and mercies, spiritual and temporal, which throughout my life thou hast conferred upon me. Give me grace to love and obey and be thankful unto thee, with all my heart, with all my soul, with all my mind, and with all my strength; and to worship and to serve thee in humility, in spirit, and in truth. Give me grace also to love my neighbour as myself, and wisely and diligently to do the duties incumbent upon me according to thy holy will, and because it is thy holy will, and not from worldly considerations.

Be pleased also to impress my heart and mind with a deep and unceasing sense and recollection of the evil of sin, and of my disobedience and ingratitude to thee, my gracious and merciful Father, my constant and bountiful benefactor. Give me grace, I humbly and earnestly beseech thee, to

repent of my sins with such repentance as thy gospel requires ; and to loathe, and forsake, and detest all sin for ever. For the sake of our merciful and compassionate High-priest and Intercessor, who directed repentance and remission of sins to be preached to all sinners, be pleased to bless me with the remission of my sins, and to let the light and the consolations of thy pardoning and reconciled countenance, be and remain upon me. Let thy Holy Spirit lead and keep me in the way in which I should walk, and enable me to commit myself entirely to thy kind and gracious providence and protection as to all my spiritual and temporal concerns ; so that my thoughts and desires, my hopes and fears, and my words and actions, being constantly under thy guidance, may be conformable to thy holy will.

Be pleased to bless me and my family, my friends and enemies, and all for whom I ought to pray, in the manner and measure which thou, and thou only, knowest to be best for us. Create in us all clean, and contrite, and thankful hearts, and renew within us a right spirit.

I thank thee, the great Sovereign of the universe, for thy long-continued goodness to these countries, notwithstanding our ingratitude and disobedience to thee, our merciful deliverer and benefactor. Give us grace to turn unto thee with true repentance, and implore thy forgiveness. And be pleased to forgive us ; and bless us with such portions of prosperity as thou seest to be fit for us, and with rulers who fear thee, and walk in the paths which our Saviour hath set before us. Be pleased to bless all nations with the knowledge of thy gospel,—and may thy holy will be done on earth as it is done in heaven.

Condescend, merciful Father ! to grant as far as proper these imperfect petitions, to accept these inadequate thanksgivings, and to pardon whatever of sin hath mingled in them, for the sake of Jesus Christ, our blessed Lord and Saviour ; unto whom, with thee, and the blessed Spirit, ever one God, be rendered all honour and glory, now and for ever.

My gracious Saviour ! continue, I beseech thee, to look down with compassion and mercy upon me, and to intercede for me.

Be pleased to deliver me entirely from the bondage of sin, and to heal the maladies of my soul. Bless it with that health, and rest, and peace which thou, and thou only canst give. Bless it with wisdom and righteousness, with sanctification and redemption, that I may be and remain a new creature.

Without thee we can do nothing ; condescend to abide in me, and enable me to abide in thee, as the branch in the vine. Let thy Holy Spirit purify, and cause it to produce fruit meet for repentance and amendment of life.

Impress my heart and mind with a constant sense and recollection of the evil of sin, and of the degeneracy and miseries to which it has subjected our fallen race. Make and keep me convinced and mindful of thine infinite and unmerited goodness, in what thou hast done and suffered, and art doing to save us from our sins, and from the punishment and perdition they deserve ; and even to fit and prepare us for everlasting life and happiness.

Give me grace to meditate with faith and gratitude on thy kind redeeming love all the days of my life. When thou shalt call me hence, be with me in the hour of death, and bless me with a full assurance of faith and hope, that I may “fear no evil.”

---

[No. VI.]

EXTRACTS FROM THE WILL OF JOHN JAY.

“I, John Jay, of Bedford, in the county of Westchester, and State of New-York, being sensible of the importance and duty of so ordering my affairs as to be prepared for death, do make and declare my last will and testament in manner and form following, viz:—Unto Him who is the

author and giver of all good, I render sincere and humble thanks for his manifold and unmerited blessings, and especially for our redemption and salvation by his beloved Son. He has been pleased to bless me with excellent parents, with a virtuous wife, and with worthy children. His protection has accompanied me through many eventful years, faithfully employed in the service of my country; and his providence has not only conducted me to this tranquil situation, but also given me abundant reason to be contented and thankful. Blessed be his holy name. While my children lament my departure, let them recollect that in doing them good, I was only the agent of their Heavenly Father, and that he never withdraws his care and consolations from those who diligently seek him.

“I would have my funeral decent, but not ostentatious. No scarfs—no rings. Instead thereof, I give two hundred dollars to any one poor deserving widow or orphan of this town, whom my children shall select. \* \* \*

\* \* \* \* \*

“I appoint all my children, and the survivors or survivor of them, executors of this my last will and testament. I wish that the disposition which I have therein made of my property, may meet with their approbation, and the more so, as their conduct relative to it has always been perfectly proper, reserved, and delicate. I cannot conclude this interesting act, without expressing the satisfaction I have constantly derived from their virtuous and amiable behaviour. I thank them for having largely contributed to my happiness by their affectionate attachment and attention to me, and to each other. To the Almighty and Beneficent Father of us all, to his kind providence, guidance, and blessing, I leave and commend them.”

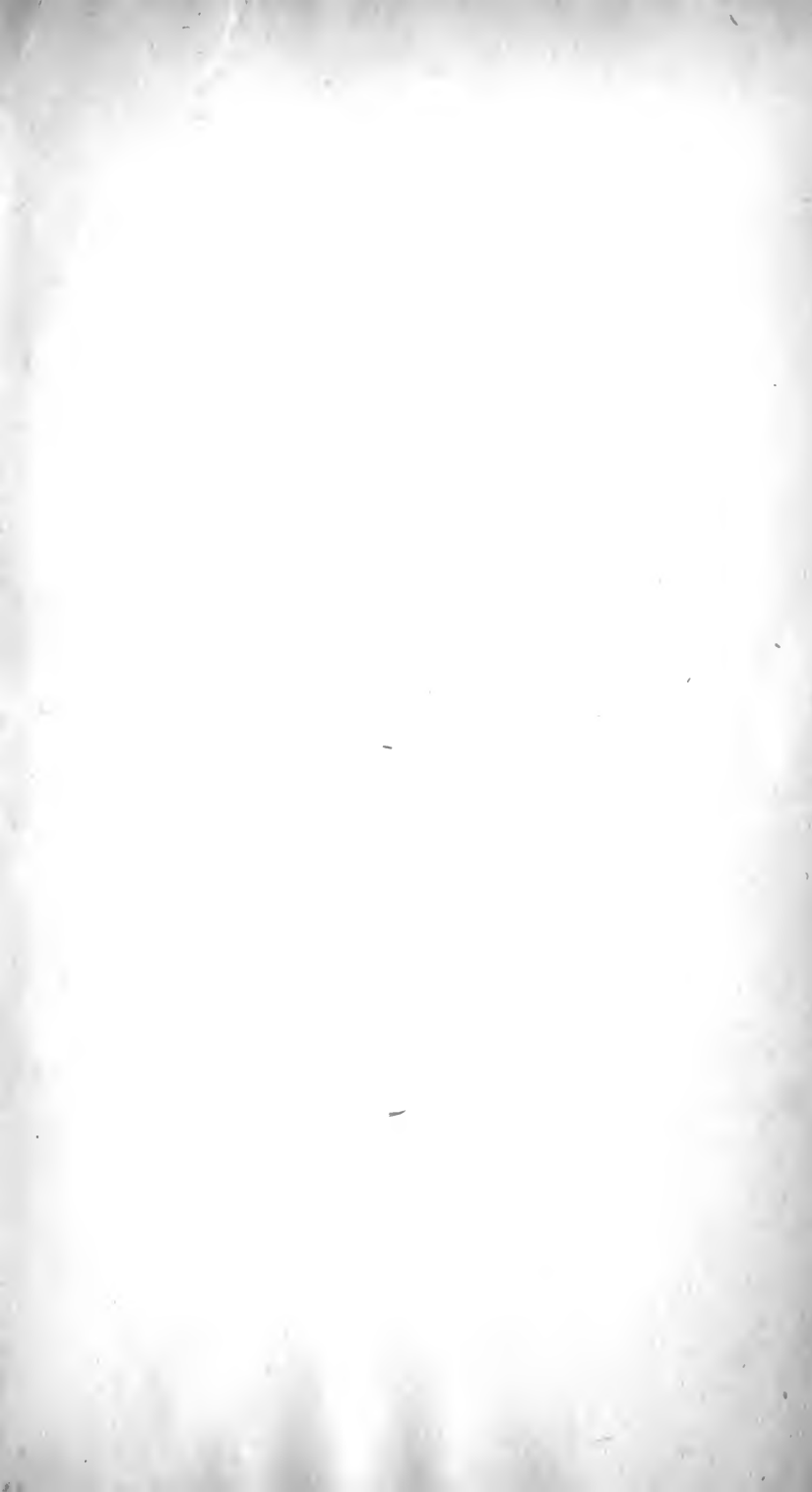




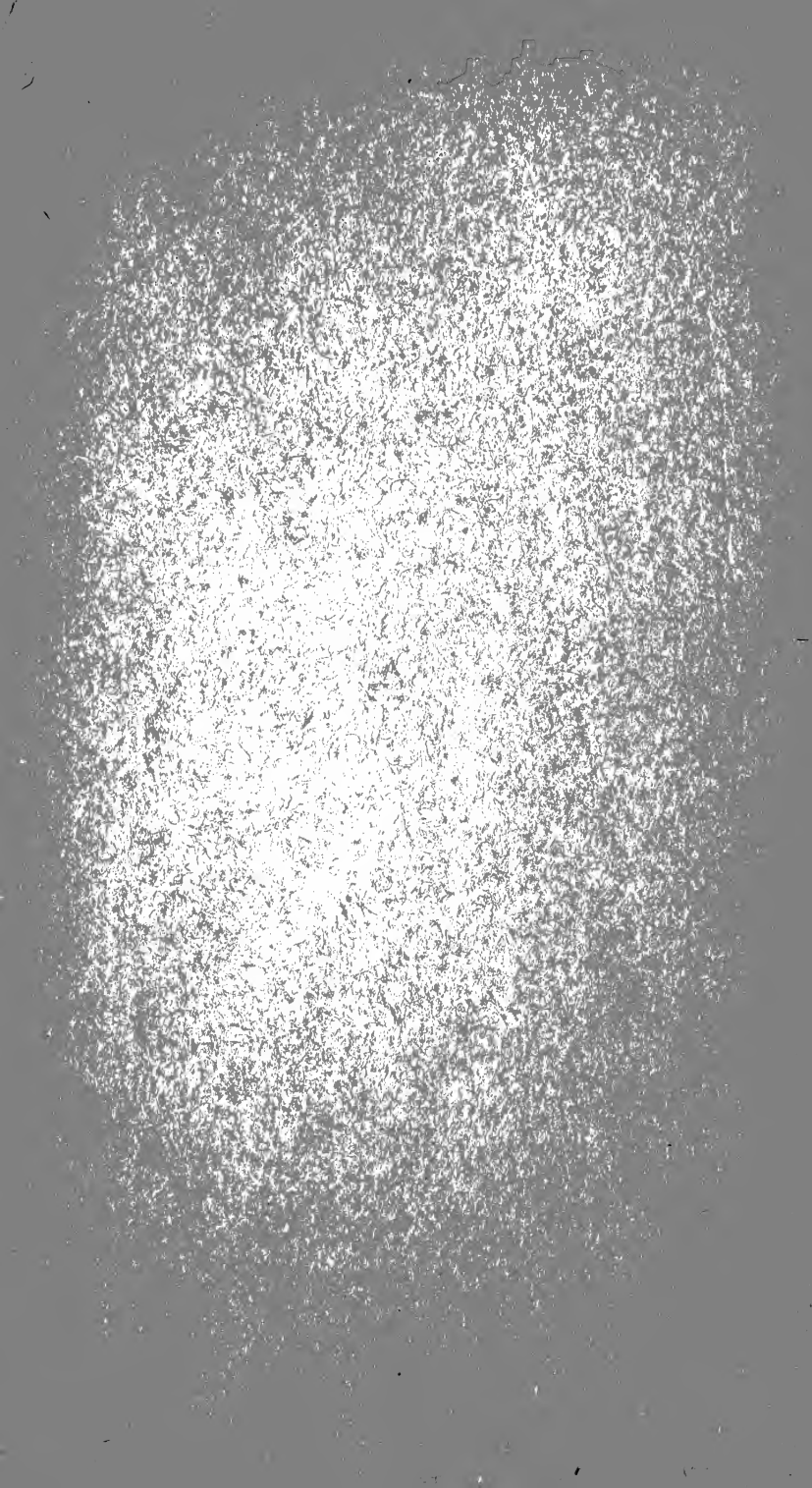












THE NEW YORK PUBLIC LIBRARY  
REFERENCE DEPARTMENT  
This book is under no circumstances to be  
taken from the Building

PUBLIC LIBRARY  
 REFERENCE DEPARTMENT  
 This book is under no circumstances to be  
 taken from the Building

[illegible]



APR 2 1926

